

Customs Duties), or any other law for the time being in force relating to the duties of customs on goods imported and exported by sea.

4. The Local Government may declare, by notification in the official *Gazette*, that the territory of any Native Chief, not subject to the jurisdiction of the courts and civil authorities of the territories under such Government, shall be deemed, for the purposes of this Act, to be foreign territory; and may declare goods passing into or out of such territory liable to the duties specified in the schedules to the said Act No. XVII of 1867, or any other law for the time being in force relating to the duties of Customs on goods imported and exported by sea; and goods so passing shall, thereupon, be liable to the duties aforesaid.

5. So far as regards the territories subject to the Governor of Fort St. George in Council, the unrevoked provisions of the said Act No. VI of 1844, and so far as regards the territories subject to the Governor of Bombay in Council, the unrevoked provisions of the said Act No. XXIX of 1857, relating to the levy of duties and to dutiable goods shall, *mutatis mutandis*, apply to duties levied and goods liable to duty under or by virtue of this Act.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th March 1869, and is hereby promulgated for general information:—

ACT No. XII OF 1869.

An Act to amend the law relating to Customs Duties.

1. Notwithstanding anything contained in the Indian Customs Duties' Act, 1867, it shall be lawful for the Governor General of India in Council from time to time, by notification in the *Gazette of India*, to fix for the purposes of that Act the value of any goods imported or exported by sea on which duties of customs are thereby imposed.

2. This Act shall be read with and taken as part of the Indian Customs Duties' Act, 1867.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th March 1869, and is hereby promulgated for general information:—

ACT No. XIII OF 1869.

An Act further to amend the Procedure of the High Court of Judicature for the North-Western Provinces.

WHEREAS it is expedient to amend the Procedure of the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William; It is hereby enacted as follows:—

1. In any case before the said High Court in which an European British subject is charged jointly with a person not being an European British subject, a jury may be empanelled for the trial of both persons so charged, and they may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately.

In any case before the said High Court in which an European British subject is charged jointly with a person not being an European British subject, and the former, before the jury is empanelled, requires the majority of the jurors to consist of Europeans and Americans, or both Europeans and Americans, the latter person shall be tried together with the former, and the procedure on the trial shall be the same as it would have been had the former been tried separately:

Provided that in any such case where the person not an European British subject so requires before the said jury is empanelled, he shall be tried separately by a jury of which at least one-half shall consist of persons not being Europeans or Americans.

2. The operation of sections 198 and 364 of the Code of Criminal Procedure is hereby suspended in the said High Court, and in any case coming before the Court in the exercise of its ordinary or its extraordinary original criminal jurisdiction, the Judges of such Court shall take down the evidence or the substance thereof in such manner as the Court shall by any general rule from time to time direct.

3. Whenever any petition, application or motion is made in any matter coming before the said Court in the exercise of its civil, criminal or other jurisdiction, the Court shall have power to award and apportion costs in any manner it may think fit.

4. Whenever the Court shall require the statements in support of any such petition, application or motion to be verified by a declaration in writing, the person making such verification shall, if any such statement is

false, and if he either knows or believes it to be false, or does not believe it to be true, be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

WHITLEY STOKES,
*Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th March 1869, and is hereby promulgated for general information:—

ACT No. XIV OF 1869.

THE BOMBAY COURTS' ACT.

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2. Repeal of enactments.

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12. Power to appoint Joint Judges.
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35. Temporary vacancy of office of District Judge.
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38. Appointment, &c., of ministerial officers.
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41. Rules for keeping proceedings.
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An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.

Whereas it is expedient to consolidate and amend the law relating to the District and other subordinate Civil Courts in the Presidency of Bombay: It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Bombay Civil Courts' Act, 1869," and extends only to the territories (other than Sind) under the Government of the Governor of Bombay in

Short title.
Extent of Act.

Council in which the Code of Civil Procedure is now in force. But the Governor of Bombay in Council may, by notification in the Government Gazette, extend this Act to any other of the territories under such Government in which the said Code is not in force, or to Sind.

2. The Regulations and Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule: provided that the constitution of the present Zilas and the position of the present Sadr stations shall not be affected by such repeal.

II.—District and Sadr Stations.

3. The Governor of Bombay in Council may from time to time by notification in the Government Gazette alter the limits of existing Zilas (which shall hereafter be called Districts) and create new Districts for the purposes of this Act.

4. The Governor of Bombay in Council may also from time to time by notification in the Government Gazette alter the position of the Sadr station in any District, and fix the position of the Sadr station in any new District.

III.—District Courts.

5. There shall be in each District a District Court presided over by a Judge to be called the District Judge. He shall be appointed by the Governor of Bombay in Council by whose authority only he shall be liable to be suspended or removed from his appointment.

The present Zila Judges shall be the first District Judges under this Act.

6. The District Judge shall ordinarily hold the District Court at the Sadr station in his District, but may, with the previous sanction of the High Court, hold it elsewhere within the District.

7. The District Court shall be the principal Court of original civil jurisdiction in the District, within the meaning of the Code of Civil Procedure.

8. Except as provided in Sections sixteen, seventeen and twenty-six, the District Court shall be the Court of Appeal from all decrees and orders passed by the Subordinate Courts from which an appeal lies under any law for the time being in force.

9. The District Judge shall have general control over all the Civil Courts and their establishments within the District, and it shall be his duty to inspect, or to cause one of his Assistants to inspect, the proceedings of all the Courts subordinate to him, and to give such direc-

tions with respect to matters not provided for by law as he may think necessary. The District Judge shall also refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

10. The District Judge shall obey all writs, orders, or processes issued to him by the High Court, and shall make such returns or reports thereto under his signature and the seal of the Court as the exigencies of the case require. He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the Governor of Bombay in Council.

11. The District Judge shall use a circular seal two inches in diameter, which shall bear thereon the Royal Arms with the following inscription in English and the principal language of the District—"District Court of

IV.—Joint Judges.

12. The Governor of Bombay in Council, may with the previous sanction of the Governor General of India in Council, appoint in any District a Joint Judge who shall be invested with co-extensive powers and a concurrent jurisdiction with the District Judge, except that he shall not keep a file of civil suits and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge by order of the High Court.

When the appointment of a Joint Judge shall have been sanctioned by the Governor General of India in Council, the Governor of Bombay in Council may, so long as such sanction continues in force, appoint a successor to such Joint Judge in case his office becomes vacant, or transfer such Joint Judge from one District to another; and in such other District the Joint Judge so transferred shall have the same powers as he had in the former District.

13. All Regulations and Acts now or hereafter in force and applying to a District Judge shall be deemed to apply also to the Joint Judge; and the seal of the Joint Judge shall be the same as is used by the District Judge.

V.—Assistant Judges.

14. The Governor of Bombay in Council, under the general control of the Governor General of India in Council, may appoint one or more Assistants to the District Judge and may suspend or remove from his appointment any Assistant so appointed.

The present Assistant Judges shall be the first Assistant Judges under this Act.

15. An Assistant Judge shall ordinarily hold his Court at the same place as the District Judge, but he may hold his Court elsewhere within the District, whenever the District

Judge shall, with the previous sanction of the High Court, direct him so to do.

16. The District Judge may refer to any Assistant Judge subordinate to him original suits of which the subject-matter does not amount to ten thousand rupees in amount or value, and miscellaneous applications not being of the nature of appeals. The Assistant Judge shall have jurisdiction to try such suits and to dispose of such applications. Where the Assistant Judge's decrees and orders in such cases are appealable, the appeal shall lie to the District Judge or to the High Court according as the amount or value of the subject-matter does not exceed or exceeds five thousand rupees.

The Assistant Judge shall, when directed by the District Judge so to do, also take evidence on applications for certificates under Bombay Regulation VIII of 1827 (*to provide for the formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of property by the Courts*), Act No. XXVII of 1860 (*for facilitating the collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons*), and Act No. XX of 1864 (*for making better provision for the care of the persons and property of minors in the Presidency of Bombay*), and shall forward it with his opinion thereon for the final orders of the District Judge.

17. The Governor of Bombay in Council may, by notification in the Government Gazette, empower any Assistant Judge to try such appeals from the decrees and orders of the Subordinate Courts as would lie to the District Judge and as may be referred by him to the Assistant Judge.

Decrees and orders passed under this section by an Assistant Judge shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge.

18. A person filling the office of Assistant Judge, on whom the power of hearing appeals has once been conferred under section seventeen, shall continue to have this power so long and so often as he may fill the office of Assistant Judge, without reference to the District in which he may be employed; provided that the Governor of Bombay in Council may by notification in the Government Gazette, at any time withdraw such power.

19. The Governor of Bombay in Council may, by notification in the Government Gazette, invest an Assistant Judge with all or any of the powers of a District Judge within a particular part of a District, and may, by like notification from time to time, determine and alter the limits of such part.

The jurisdiction of an Assistant Judge so invested shall *pro tanto* exclude the jurisdiction of the District Judge from within the said limits.

Every Assistant Judge so invested shall ordinarily hold his Court at such place within the local

limits of his jurisdiction as may be determined by the Governor of Bombay in Council, and may, with the previous sanction of the High Court, hold it at any other place within such limits.

20. Every Assistant Judge shall use the seal of Assistant Judge to use the District Judge to whom he is assistant.

VI.—Subordinate Judges.

21. There shall be in each District so many Civil Courts subordinate to the District Court as the Governor of Bombay in Council, acting under the general control of the Governor General of India in Council, shall from time to time direct.

22. The Judges of such subordinate Courts shall be appointed by the Governor of Bombay in Council, and shall be called Subordinate Judges.

No person shall be appointed a Subordinate Judge unless he be a subject of the Queen who has practised five years as an Advocate of a High Court in India or as a Vakil in the High Court of Judicature in Bombay, or who has qualified for the duties of a Subordinate Judge according to such tests as may for the time being be prescribed by such High Court, or who has taken the degree of Bachelor of Laws in the University of Bombay.

The tests so prescribed by the High Court shall be notified in the Government Gazette.

23. The Subordinate Judges shall hold their Courts at such place or places as the Governor of Bombay in Council may from time to time appoint within the local limits of their respective jurisdictions. Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the Subordinate Judge shall hold his Court at each of such places, and the Subordinate Judge shall cause such days to be duly notified throughout the local limits of his jurisdiction.

The same person may be the Judge of more than one Subordinate Court; and in such cases the District Judge shall, subject to the control of the High Court, prescribe rules for regulating the time during which the Subordinate Judge shall sit in each Court.

The Judge of any Subordinate Court may, with the previous sanction of the High Court, be deputed by the District Judge to the Court of another Subordinate Judge for the purpose of assisting him in the disposal of the suits on his file.

24. The Subordinate Judges shall be of two classes.

The jurisdiction of a Subordinate Judge of the first class extends to all original suits and proceedings of a civil nature.

The jurisdiction of a Subordinate Judge of the second class extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed in amount or value five thousand rupees.

25. A Subordinate Judge of the first class, in addition to his ordinary jurisdiction, shall exercise a special jurisdiction in respect of such suits and proceedings of a civil nature wherein the subject-matter exceeds five thousand rupees in amount or value as may arise within the local jurisdictions of the Courts in the District presided over by Subordinate Judges of the second class.

In Districts to which more than one Subordinate Judge of the first class have been appointed, the District Judge, subject to the orders of the High Court, shall assign to each the local limits within which his said special jurisdiction is to be exercised.

26. In all suits decided by a Subordinate Judge of the first class in the exercise of his ordinary and special original jurisdiction of which the amount or value of the subject-matter exceeds five thousand rupees, the appeal from the decision shall be direct to the High Court.

27. The Governor of Bombay in Council may invest any Subordinate Judge of the first class with power to hear appeals from such decrees and orders of Subordinate Courts as may be referred to him by the Judge of the District.

Decrees and orders so passed in appeal by a Subordinate Judge of the first class shall have the same force as if passed by a District Judge.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

28. The Governor of Bombay in Council may invest, within such local limits as he shall from time to time appoint, any Subordinate Judge of the first class with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable in such Courts up to the amount of five hundred rupees, and any Subordinate Judge of the second class with the same jurisdiction up to the amount of ten rupees.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

29. Each Subordinate Judge shall use a seal one inch and a half in diameter, bearing the Royal Crown with the following inscription in English and the principal language of the District:—“Subordinate Judge of _____.”

30. The present Principal Sadr Amíns shall be the first Subordinate Judges of the first class and (subject to any alteration of the limits of their ordinary local jurisdiction which

may from time to time be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the first class under this Act, within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Principal Sadr Amíns.

The present Sadr Amíns and Munsifs shall be the first Subordinate Judges of second class. Judges of the second class and (subject to any alteration of the limits of their local jurisdiction which may from time to time be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the second class under this Act, within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Munsifs.

31. Every Court of a Subordinate Judge under this Act shall have the same jurisdiction over all proceedings pending in the Court for which it shall have been substituted as the Principal Sadr Amín, Sadr Amín, or Munsif (as the case may be) of such Court would have had if this Act had not been passed.

32. No Subordinate Judge shall receive or register a suit in which Government or any officer of Government in his official capacity shall be a defendant, but he shall refer the party presenting the plaint in such suit to the District Judge, in whose Court alone such suit can be instituted.

Removal or Suspension.

33. Whenever the High Court is of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misconduct by any Subordinate Judge, the High Court may appoint a Commissioner or Commissioners for the purpose of holding such an enquiry, and on the receipt of his or their report may order that the Subordinate Judge be removed or suspended from office, or reduced to a lower class.

The provisions of Act No. XXXVII of 1850 (*for regulating enquiries into the behaviour of public servants*) shall apply to enquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

34. The High Court may suspend any Subordinate Judge from office pending the result of an enquiry into his behaviour under this section.

Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Subordinate Judge under his control. But whenever the District Judge suspends any such Subordinate Judge, he shall forthwith report the case for the orders of the High Court.

Nothing in this section or in section thirty-three shall be held to interfere with the right of Government to suspend, or remove from office, any Subordinate Judge at their discretion.

VII.—*Temporary vacancies.*

35. In the event of the death of the District Judge or of his being prevented from performing his duties by illness or other casualty, or of his absence from his District on leave, the first in rank of the Assistant Judges in the District, or in the absence from the District of an Assistant Judge the first in rank of the Subordinate Judges, shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated Assistant Judge or Subordinate Judge, as the case may be, in charge of the District, and shall continue in such charge until the office of District Judge may be resumed or assumed by an officer duly appointed thereto.

36. Any District Judge leaving the Sadr station and proceeding on duty to any place within his District, may delegate to an Assistant Judge, or in the absence of an Assistant Judge, to a Subordinate Judge at the Sadr station, the power of performing such of the duties enumerated in section thirty-five as may be emergent; and such officer shall be designated Assistant or Subordinate Judge, as the case may be, in charge of the Sadr station.

37. In the event of the death, suspension, temporary vacancy of or temporary absence of office of Subordinate any Subordinate Judge, the District Judge may empower the Judge of any Subordinate Court of the same District to perform the duties of the Judge of the vacated Subordinate Court, either at the place of such Court or of his own Court; but in every such case the Registers and Records of the two Courts shall be kept distinct.

VIII.—*Ministerial Officers.*

38. All ministerial officers of the Civil Courts in each District shall be appointed, and may be fined, suspended or dismissed by the District Judge, subject to such rules as the High Court may from time to time prescribe.

Provided that the Judge of every Subordinate Court may, subject to the like rules, appoint the ministerial officers of such Court, whose salaries do not exceed rupees ten per mensem, and may by order fine, suspend or dismiss any ministerial officer of such Court who is guilty of any misconduct or neglect in the performance of the duties of his

office. Every such order shall be subject to appeal to the District Judge; and the rules for the time being applicable to appeals to the Court of Sessions from orders of the Criminal Courts subordinate thereto, shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

39. The duties of the said ministerial officers shall be regulated by such rules as the High Court may from time to time prescribe.

40. The Governor of Bombay in Council may under the general control of the Courts, the Governor General of India in Council, appoint to any Civil Court under this Act a Clerk of the Court who, in addition to such duties as may from time to time be prescribed by the High Court, may receive and register plaints, and shall refer such as he may consider should be refused for the orders of the Judge of the Court, and may sign all processes, and authenticate copies of papers.

IX.—*Miscellaneous.*

41. The proceedings of each Civil Court shall be kept and recorded according to such rules as the High Court may from time to time prescribe. The High Court shall also lay down rules under which copies of papers may be granted.

42. The High Court shall from time to time with the sanction of the Governor of Bombay in Council prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act, or by any officer of such Court.

Tables of the fees so prescribed shall be published in the Government Gazette.

43. The District and Subordinate Courts shall sit from day to day, except on Sundays, New Year Day, Good Friday, Christmas Day, and Her Majesty's Birth Day, and such other days as may be sanctioned for each or every District by the High Court.

The High Court may also permit the Civil Courts under its control to adjourn for a period or periods not exceeding in the whole six weeks in each year.

SCHEDULE.

Enactments repealed.

I.—BOMBAY REGULATIONS.

| NO. OF REGULATION. | TITLE OF REGULATION. | EXTENT OF REPEAL. |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I of 1827 | A Regulation for forming into a regular Code all Rules that may be enacted for the internal Government of the Territories subordinate to the Presidency of Bombay. | Sections 1 to 7, both inclusive. |
| II of 1827 | A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and Officers thereof. | The preamble, and so much of chapters III and IV as has not been repealed; and chapter II except so much of section XXI as refers to the interference of the Civil Courts in caste questions. |
| III of 1827 | A Regulation containing provisions as to the official proceedings in general of Courts of Civil Justice, their sittings, the mode of communicating with them, the mode of keeping the minutes of their proceedings, the sealing, signing, and language of process, and the grant of copies of papers on their records. | The whole. |
| IV of 1827 | A Regulation prescribing the forms of proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the trial of the same. | The preamble and sections 24, 27 and 72, clause 4. |
| XXIX of 1827 | A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkan and Khandesh. | Section 7. |
| XXXI of 1827 | A Regulation to explain the principles on which the introduction of the revised Code of Regulations is to be effected. | The whole. |
| I of 1830 | A Regulation rescinding Regulation VII of 1828, and extending the jurisdiction of Native Commissioners to the cognizance of all original suits of whatever amount. | The whole. |
| VII of 1831 | A Regulation for modifying the Rules under which appeals in Civil Suits are to be admitted. | The whole. |
| VIII of 1831 | A Regulation for instituting gradations of rank in the judicial appointments conferred on Natives, and defining the authority to be exercised by each rank. | The whole. |
| II of 1833 | A Regulation for vesting Judicial Native Commissioners with authority to try civil actions in any part of a zillah to which they stand appointed. | The whole. |
| VI of 1834 | A Regulation providing for the occasional adjournment of the Courts of Civil Judicature under the Presidency of Bombay. | The whole. |

II.—ACTS.

| No. of Act. | TITLE OF ACT. | EXTENT OF REPEAL. |
|--------------|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| IX of 1844 | An Act for authorizing the institution of suits in the Courts of Principal Sudder Ameens and Sudder Ameens. | The whole Act as far as it relates to the Bombay Presidency. |
| XXIX of 1845 | An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges. | So much as refers to Joint Zillah Judges. |

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th March 1869:—

No. 6 OF 1869.

A Bill for imposing a transshipment fee on Opium.

1. Subject to such rules as the Local Government may from time to time prescribe in this behalf, the Chief Officer of Customs of every port in British India may, on application of any person interested as owner, agent, consignee or otherwise in any opium imported by sea into such port, grant leave to transship the same without payment of duty at the port of transshipment and without any security-bond for the due arrival and entry of the opium at the port of destination: Provided that such opium shall have been manifested or declared at the town of import as for transshipment to some other British Indian or some foreign port.

2. A transshipment fee on each chest of opium so transhipped shall be levied at such rate not exceeding fifty rupees and subject to such rules as the Local Government may, with the previous sanction of the Governor General of India in Council, from time to time prescribe.

Such rate and rules shall be published in the local official Gazette.

3. All fees levied under this Act shall be paid to the credit of the Government of India.

STATEMENT OF OBJECTS AND REASONS.

A considerable trade in opium, now averaging 4,000 chests per annum, has recently grown up between Persia and China, part going to China *via* Aden by the French Steamers and part *via* Batavia by Native vessels. The object of the present Bill is to alter the law so as to induce the Persian merchants to use our ports and ships for the purposes of this export, and to levy such transshipment fee as will to some extent protect the Government of India from the loss caused by the competition of the Persian with the Indian opium.

The present Bill, which resembles Act XX of 1867, proposes to legalize the levy of a transshipment fee not exceeding fifty rupees per chest. All fees levied under the proposed Act will be paid to the credit of the Government of India.

R. TEMPLE.

The 27th February 1869.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1869:—

No. 9 OF 1869.

INDIAN EXPROPRIATION BILL.

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PART VI.—MISCELLANEOUS.

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A Bill to amend the law for the acquisition of land needed for public purposes.

Whereas it is expedient to amend the law for the acquisition of immoveable property needed for public purposes or for works of public utility, and for determining the amount of compensation to be made for such property; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. This Act may be called "The Indian Expropriation Act, 1869":

Short title.

Extent. It extends to the whole of British India;

Commencement. And it shall come into operation on the first day of June 1869.

2. From such day Act No. VI of 1857 (*for the acquisition of land for public purposes*), and Act No. II of 1861 (*to amend Act No. VI of 1857*), shall be repealed.

All references made to either of the said Acts in subsequent Acts, orders or contracts shall be read as if made to this Act.

3. In this Act:—

The expression "person interested in the property" includes all persons interested in immoveable property:

The expressions "Collector of the District" and "Collector" include any officer specially appointed by the Local Government to perform the functions of a Collector under this Act;

And in every case under this Act—

The expression "Court" means the Court of any judicial officer whom the Local Government may appoint, either specially for such case or generally within any specified local limits, to perform the functions of a Judge under this Act.

And the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided, (that is to say)—

Trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability:

A married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age; and

The guardians of minors and the committees of lunatics or idiots shall be deemed respectively the persons so entitled to act to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted.

PART II.

PROCEDURE BEFORE ACQUISITION.

4. Whenever it appears to the Local Government that any immoveable property is likely to be needed for public purposes or for a work of public utility, it shall be lawful for any Officer either generally or specially authorised by such Government in this behalf, and his servants and workmen, to enter upon and survey and take levels of such property and to probe or bore to ascertain the nature of the soil;

and to set out the boundaries of any such property and the intended line of any such work, and to mark such boundaries and line by cutting trenches or placing land-marks; and where otherwise the survey cannot be completed and the boundaries and line marked, to cut down and clear away any part of any standing crop, jungle or tope of trees in the direction of the intended boundaries and line:

Provided that no person shall enter into any building or upon any enclosed garden (unless with the consent of the occupier thereof) without previously giving such occupier twenty-four hours' notice of his intention to do so.

5. The officer so authorised shall take account of all necessary damage done as aforesaid to immoveable property, and shall forthwith offer payment for such damage to the persons interested.

In case the offer is not accepted, the damage shall be allowed for in the compensation awarded for such property under the provisions hereinafter contained.

6. Whoever wilfully obstructs any person in lawfully setting out such boundaries or line, or wilfully destroys, damages, or displaces any land-mark, or effaces or fills any trench intended to mark such boundaries or line, shall, on conviction before a Magistrate, be liable to be imprisoned for any term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

7. Whenever it appears to the Local Government that any immoveable property is needed for a public purpose or for a work of public utility, a declaration shall be made to that effect

under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders.

The declaration shall state the District or other territorial division in which the property is situate, the object for which it is needed, its approximate area, and, where a plan shall have been made of the property by any such officer as aforesaid, the place where such plan may be inspected.

Works of public utility shall, for the purposes of this section, be held to comprise the following and no others:—

- (1).—Bridges, roads, railways, tramways;
 - (2).—Canals;
 - (3). Works for the storage or for the supply of water;
 - (4).—Improvements of rivers or harbours;
 - (5).—Docks, quays, jetties;
 - (6).—Drainage works;
 - (7). Works for the protection of land from floods or erosion by rivers;
 - (8).—Electric telegraphs;
- and all works subsidiary thereto.

The said declaration shall be conclusive evidence that the purpose for which the immoveable property is needed is public or (as the case may be) that the work for which it is needed is of public utility; and after making such declaration the Local Government may acquire the property in manner hereinafter appearing.

The circumstance that the whole or any part of a work is to be executed by, or directly for the benefit of, private persons or companies or municipal bodies shall not prevent its being deemed a work of public utility within the meaning of this section.

8. Whenever any immoveable property shall have been declared to be so needed for a public purpose or for a work of public utility, the Local Government shall direct the Collector of the District to take order for the acquisition of the property. Provided that nothing in this Act shall be taken to compel the Government to complete the acquisition unless an award shall have been made or a reference directed under the provisions hereinafter contained.

9. The Collector shall thereupon cause the Land to be marked property (if it be land and out and measured. if it have not been already marked out under section four) to be marked out and also to be measured, and a plan to be made of the same.

10. The Collector shall then cause a notice to be affixed in some conspicuous place upon the property, and published by proclamation in the neighbouring bázars and villages, to the effect that the property is about to be taken by Government under this Act.

He shall also serve notice to the same effect on the occupier (if any) of such property and on all such

persons, known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorised to receive service on their behalf, within the Revenue District in which the property is situate.

Such notice shall state the particulars of the property so required and shall require all persons interested in the property to appear personally or by agent before the Collector at a time and place therein mentioned, such time not being less than fifteen days after the date of publication of the notice; and to state the nature of their interests in the property and the amount and particulars of their claims to compensation for such interests.

11. The Collector may also require any such person to deliver to him a statement containing, so far as may be practicable, the name of every other person possessing any interest in the property or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

12. On the day so fixed, the Collector shall proceed to enquire summarily into the value of the property and to determine the amount of compensation which in his opinion should be allowed therefor, and shall tender such amount to the persons interested who have attended in pursuance of the notice.

In determining such amount the Collector shall take into consideration the matters mentioned in section forty-six and shall not take into consideration any of the matters mentioned in section forty-seven.

PART III.

ACQUISITION.

13. If the Collector and the person or persons interested agree as to the amount of compensation to be allowed, the Collector shall make an award under his hand for the same: and (where there are several persons interested) if such persons agree also in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award.

The award shall be filed in the Collector's Office and shall be conclusive evidence of the value of the property and the amount of compensation allowed for the same; and also of the particulars of the apportionment (if any) of the compensation among the persons who have agreed thereto.

14. The Collector may, if no claimant attends pursuant to the notice, or if for any other cause he thinks fit, postpone the enquiry to a day to be fixed by him and notified in the manner provided in section ten.

15. When the Collector proceeds to make the enquiry as aforesaid, whether on the day originally fixed for the enquiry or on the day to which it may have been postponed, if no claimant attends, or if the Collector is unable to agree with the persons interested

who have attended in pursuance of the notice as to the amount of compensation to be allowed, the matter shall be referred to the determination of the Court in manner hereinafter appearing.

16. If upon the said enquiry any question arise respecting the title to the property or any rights or interests therein between two or more persons making conflicting claims in respect thereof, the person deemed by the Collector to be in possession as owner or in receipt of the rents as being entitled thereto, shall, for the purpose only of taking such measures as may be necessary for fixing the value of the property and the amount of compensation to be allowed for the same, be held, as between such persons, to be the person interested in the property.

17. When the Collector has made an award or directed a reference to the Court, he may take possession of the property, which shall thenceforward be vested absolutely in the Government.

And in cases of urgency whenever the Local Government so directs, the Collector (though no such award has been made or reference directed) may, on the expiration of fifteen days from the publication of the notice mentioned in section ten, take possession of any waste or arable land needed for public purposes. Such land shall thenceforward be vested absolutely in the Government. The Collector shall offer to the persons interested compensation for the standing crops and trees (if any) on such land; and in case such offer is not accepted, the value of such crops and trees shall be allowed for in awarding compensation for the land under the provisions herein contained.

The provisions contained in sections ten to sixteen (both inclusive) shall *mutatis mutandis* apply when land is taken under the second clause of this section.

18. If the Collector is opposed or impeded in taking possession of immovable property needed for a work of public utility, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the property to the Collector.

PART IV.

APPORTIONMENT OF COMPENSATION AWARDED BY COLLECTOR.

19. When the Collector and the persons interested in the property agree as to the amount of compensation, if any dispute arises as to the apportionment of the same or any part thereof, the Collector shall call on them to state in writing on or before such day as he shall fix, whether they wish

- (1)—that he shall himself decide the dispute, or
- (2)—that he shall refer it to the decision of the Court, or
- (3)—that he shall refer it to arbitration.

20. If the persons interested fail to make the said statement on or before the day so fixed, or if they state that they wish that the Collector shall himself decide the dispute, he shall decide it accordingly and his decision shall be final.

Decision by Collector.

21. If such persons state that they wish that the Collector shall refer the dispute to the decision of the Court, the Collector shall refer it accordingly, and the Court shall decide the same under section fifty-two.

Decision by Court.

22. If they state that they wish that the Collector shall refer the dispute to arbitration, the Collector shall refer it accordingly.

Decision by arbitrators.

23. And if the parties cannot agree with respect to the nomination of the arbitrators, or if the persons nominated by them refuse to accept the arbitration, or, having accepted it, die, or desire to be discharged, or refuse, or become incapable to act, and the parties are desirous that the nomination shall be made by the Collector, he shall appoint some proper persons to arbitrate the matter.

Appointment of arbitrators.

24. After the arbitrators have accepted the appointment, the Collector may exercise towards them such powers and authority for securing their attendance and the due completion of their award, as he may legally exercise towards witnesses summoned before him when acting judicially for the purpose of compelling them to attend and give evidence.

Power to secure attendance of arbitrators and completion of award.

25. If no award be made within a period to be fixed for that purpose by the Collector, he may order that the matter shall be referred to other arbitrators to be chosen in the same manner and subject to the same powers as the first.

Failure to make award within specified period.

26. The Collector shall furnish the arbitrators, or, so far as may be in his power, procure for them, any information connected with the subject of enquiry which the records of his office or those of any public department may afford.

Collector to furnish information.

He shall also, on the application of the arbitrators, summon any witnesses whom the arbitrators may call for and whom the parties may not be able to produce before them without such process, and require the persons so summoned to bring and produce before them all such books, papers, maps and plans as the arbitrators shall require.

And to summon witnesses.

Persons so summoned shall be subject to all the provisions of the laws for the time being in force regarding persons summoned as witnesses before a Collector of Land-Revenue or a Deputy Commissioner when acting judicially.

27. Every witness examined before the arbitrators shall be examined upon oath to be administered by or made before the said arbitrators.

Witnesses to be examined upon oath.

28. On the close of the enquiry, the arbitrators, or a majority of them, shall deliver a full and complete award in respect of the matter referred to them, and shall therein specify the persons entitled to compensation, and the proportions in which they are so entitled.

Award of the arbitrators.

29. The arbitrators on making their award shall be entitled to reasonable fees for their services, the amount of which shall be fixed by the Collector subject to the orders of the Commissioner or other superior revenue authority.

Arbitrators' fees.

30. The award shall declare the costs of the arbitration and by whom and in what proportion they shall be paid.

Costs of arbitration.

31. The proceedings of the arbitration shall be deposited in the office of the Collector, and every person interested therein shall be entitled to a copy of the award, under the seal and signature of the Collector. Such copy shall be *prima facie* evidence of the matters therein stated.

Deposit of proceedings.

Copy of award.

32. No award of arbitrators made in accordance with the provisions of this Act, shall be liable to be reversed or altered, except by the decision of a Civil Court on the ground of corruption or misconduct of the arbitrators.

Reversal or alteration of award.

In case the award shall be so reversed, the matter shall be referred to other arbitrators to be appointed in the same manner as the first.

All suits to set aside an award under section twenty-eight shall be instituted within three months from the date of the award.

Limitation of suits to set aside award.

PART V.

REFERENCE TO COURT AND PROCEDURE THEREON.

33. In making a reference under section fifteen, the Collector shall state for the information of the Court, in writing under his hand, (a) the situation and extent of the property needed, (b) the names of the persons interested in such property, and (c) the amount of compensation tendered for the same under section twelve, or, if no claimant has attended pursuant to the notice mentioned in section ten, the amount of compensation which the Collector is willing to give to the persons so interested.

Collector's statement on reference to Court.

34. The Court shall thereupon cause to be served on each of the persons so interested a notice requiring him (if he has not made a claim under section ten) to state to the Court, on or before a day to be therein mentioned, the sum which he is willing to accept as compensation for the property so needed.

Service of notice.

The Court shall also cause a notice to be served on the Collector and each of such persons requiring them to state to the Court, on or before a day to be therein mentioned, whether they wish the amount of the compensation to be determined by the Judge alone or by the Judge with assessors.

If no claimant has attended pursuant to the notice mentioned in section ten, the Court shall cause a notice to be affixed on some conspicuous place in the property needed to the effect that, if the persons interested therein do not appear in Court on or before a day to be therein mentioned and state whether they wish the amount to be determined by the Judge alone or by the Judge with assessors, the Judge will proceed to determine such amount *ex parte*.

35. On receiving such statements the Judge, if the parties wish the amount of the compensation to be determined by the Judge alone, shall proceed to decide such amount, and his decision thereon shall be final.

In like manner, if no claimant appears and makes a statement pursuant to the notice last aforesaid, the Judge shall proceed to decide the amount of the compensation, and his decision thereon shall be final.

36. But if the parties or any of them wish that the amount be determined by the Judge with assessors, they shall appoint, on or before a day to be fixed by the Court, two qualified persons (one to be nominated by the Collector and the other by the persons interested), to be assessors for the purpose of aiding the Judge in determining the amount of the compensation.

In case of failure to appoint either of such assessors within the time so specified, the Court shall itself appoint an assessor in his stead.

37. On or after the day last referred to, the Judge shall require the assessors so appointed to appoint by writing under their hands, on or before a day to be fixed by the Court, a qualified person to be a third assessor for the purpose aforesaid.

In case of failure to make such appointment within the time so specified, the Judge shall himself appoint the third assessor.

38. The Judge and the assessors shall thereupon proceed to determine the amount of the compensation.

39. If before such amount is determined, any of the assessors dies or desires to be discharged, or refuses or becomes incapable to act, the party by whom he was appointed, or, if he were appointed by the Judge, the Judge may appoint some other qualified person to act in his place; and, in the case of an assessor appointed by either party, if for the space of seven days after notice from the Court for that purpose the party who appointed such assessor fails to appoint another, the Judge and the other assessors may proceed *ex parte*.

Every assessor so substituted shall have the same powers as were vested in the former assessor at the time of his so dying or desiring to be discharged, or refusing or becoming incapable.

40. Every assessor appointed under this Act, not being an officer of Government, shall be entitled to receive such fees for his services as the Judge shall direct, not exceeding the sum of fifty rupees for each full day employed.

Such fees shall be deemed to be costs in the proceeding.

Provisions of Code of Civil Procedure made applicable. 41. The following provisions of the Code of Civil Procedure :—

- (a) as to adding parties,
- (b) as to adjournment,
- (c) as to death, marriage and bankruptcy or insolvency of parties,
- (d) as to summoning witnesses and their attendance,
- (e) as to examination of parties and witnesses,
- (f) as to production of documents, and
- (g) as to commissions to examine absent witnesses and to make local enquiries,

shall apply, so far as may be, to proceedings under this Part.

42. Every such proceeding shall take place in open Court, and all legal practitioners entitled to practise in the Court in which any such proceeding takes place, shall be entitled to appear, plead and act, or to appear and act (as the case may be) in such proceeding.

43. The opinion of each assessor shall be given orally and shall be recorded in writing by the Judge.

44. In case of a difference of opinion between the Judge and the assessors or any of them upon a question of law or practice or usage having the force of law, the opinion of the Judge shall prevail and his decision thereon shall be final.

45. In case of any such difference of opinion upon any question of fact, or as to the amount of the compensation to be awarded, the decision of the Judge shall be final, provided he agree with the majority of the assessors or with one of the assessors if there be but two.

But if the Judge differs from all or from the majority of the assessors, he shall pronounce his decision, and the Collector or the person interested (as the case may be) may appeal therefrom to the High Court within the time and in manner provided by the Code of Civil Procedure for regular appeals in suits.

46. In determining the amount of compensation to be awarded for property acquired under this Act, the Judge alone or the Judge and assessors (as the case may be) shall take into consideration—

First, the price which the property would be likely to fetch if sold then and there by public auction :

Secondly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of severing such property from his other property; and

Thirdly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner, or his earnings.

Matters to be neglected in determining compensation.

47. But the Judge or assessors shall not take into consideration—

First, the degree of urgency which has led to the acquisition:

Secondly, any disinclination of the person interested to part with the property acquired:

Thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit:

Fourthly, any damage which, after the time of awarding compensation, is likely to be caused by or in consequence of the execution of the proposed work:

Fifthly, any increase to the value of the property acquired likely to accrue from the execution of the proposed work thereon or which would be likely to accrue to such value if the work were executed on any other property; or

Sixthly, any outlay or improvements on the property acquired, made, commenced or effected with the intention of enhancing the compensation to be awarded therefor under this Act.

48. Where the person interested has made a claim to compensation, pursuant to the notice mentioned in section ten, the amount awarded shall not in his case exceed the amount so claimed, or be less than the amount tendered by the Collector under section twelve.

Where the person interested has refused to make such claim, or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded may be less than, and shall in no case exceed, the amount so tendered.

Where the person interested has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded shall not be less than, and may exceed, the amount so tendered.

49. Subject to the provisions contained in section fifty, the Judge shall in all cases determine by whom the costs of any proceeding under this Part are to be borne.

50. (a). When the amount awarded is the sum claimed by the person interested, the costs of the proceeding shall be paid by the Government.

(b). Where the amount awarded is equal to or less than the sum tendered by the Collector, the costs of the proceeding shall be paid by the person interested.

(c). Where the amount awarded exceeds the sum tendered by the Collector, but is less than the sum claimed by the person interested, the costs of the proceeding shall be paid by the parties in such proportions as the Judge shall determine.

51. Every award made under this Part shall be in writing signed by the Judge and the assessors or by the Judge alone (as the case may be) and shall specify the amount awarded under the first clause of section forty-six and also the amounts (if any) respectively awarded under the second and third clauses of the same section, together with the grounds of awarding such last mentioned amounts.

52. When the amount of compensation has been settled, or when a reference to the Court has been made under section twenty-one, the Judge shall determine the proportions in which the persons interested are entitled to share in such amount.

PART VI.

MISCELLANEOUS.

53. When any immoveable property taken under this Act forms part of an estate paying revenue to Government, the award shall specify the nett rent of the land including the Government revenue, and the computed value of such rent.

The revenue authorities may in their discretion either pay over the whole of such value to the owner of the estate on the condition of his continuing to pay the Government revenue thereof without abatement; or determine what proportion of the nett rent shall be allowed as a remission of revenue, in which case a deduction shall be made from the said value proportionate to the value of such remission.

54. Subject to the provisions contained in section fifty-three, when the compensation to be paid for immoveable property taken under this Act is decided by the award of the Collector under section thirteen, and possession is then taken of the property on account of Government, he shall pay the amount awarded at the time of so taking possession.

When the compensation is decided by the award of the Collector after taking possession, or of the Judge and assessors, or of the Judge alone, the Collector shall pay the amount awarded with interest at the rate of six per centum per annum from the time of so taking possession:

Provided that, in cases where the Judge has differed with the assessors upon a question of fact or on the amount of compensation, the Collector shall not pay such amount and interest until the time for appealing against the Judge's decision has expired and no appeal shall have been presented against such decision, or until any such appeal shall have been dismissed, or until in the result of any such appeal the decision appealed against shall have been upheld.

55. Subject to the provisions contained in sections thirty-two and forty-five, payment of the

compensation shall be made according to the award to the persons named therein :

Provided that nothing in this Act shall affect the liability of any person who may receive the compensation awarded for any property, or any portion of such compensation, to pay the same to the person lawfully entitled thereto.

56 The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired and if he be able to convey the same.

57. The powers of this Act shall extend to authorize the occupation and use by Government for any time not exceeding three years of any waste or arable land.

The Collector shall pay to the owners and occupiers of such land such compensation for the occupation and use thereof, either in a gross sum of money or by monthly or other periodical payments, as shall be agreed upon between him and such owners and occupiers respectively; and in case they differ about the compensation, the same shall be settled by a single arbitrator to be appointed by the Collector and such owners or occupiers, or when they cannot agree in the choice of an arbitrator, then by an arbitrator to be appointed by the Local Government.

58. For any permanent damage done by such occupation and use of the land, compensation shall be paid to and among all persons interested therein, to be ascertained, in case of disagreement, in the same manner as compensation for land taken under section fifty-seven.

59. The Local Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made. All such rules, alterations and additions shall be published in the local Official Gazette.

STATEMENT OF OBJECTS AND REASONS.

For several years past, since the extension of railways has forced the Government of India to take land in the larger towns or in their vicinity, frequent complaints have been made in the Public Works Department as to the serious abuses which have, in many cases, arisen in applying Act VI of 1857—the law which now regulates the taking of land for public purposes.

The Government of India has made various efforts to protect the public interests by calling on the local authorities to take increased care in the appointment of the arbitrator who represents the Government and by the adoption of other measures. But no effectual relief has been thus obtained.

On taking a general view of the circumstances under which these abuses have occurred, it becomes apparent that the evil is chiefly owing to the absence in the existing law of any statement of the principles which are to regulate the determination of the price to be paid for the property taken by Government. The primary object of the present Bill is to supply a concise and intelligible statement of those principles. They are contained in sections 46, 47, 48 :—

“46. In determining the amount of compensation to be awarded for property acquired under this Act, the Judge alone or the Judge and assessors (as the case may be) shall take into consideration—

First, the price which the property would be likely to fetch if sold then and there by public auction :

Secondly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of severing such property from his other property ; and

Thirdly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner, or his earnings.

“47. But he or they shall not take into consideration—

First, the degree of urgency which has led to the acquisition :

Secondly, any disinclination of the person interested to part with the property acquired :

Thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit ;

Fourthly, any damage which, after the time of awarding compensation, is likely to be caused by or in consequence of the execution of the proposed work :

Fifthly, any increase to the value of the property acquired likely to accrue from the execution of the proposed work thereon or which would be likely to accrue to such value if the work were executed on any other property ; or

Sixthly, any outlay or improvements made, commenced or effected on such property with the intention of enhancing the compensation to be awarded therefor under this Act.

“48. Where the person interested has made a claim to compensation, pursuant to the notice mentioned in section ten, the amount awarded shall not in his case exceed the amount so claimed, or be less than the amount tendered by the Collector under section twelve.

Where the person interested has refused to make such claim, or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded may be less than, and shall in no case exceed, the amount so tendered.

Where the person interested has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded shall not be less than, and may exceed, the amount so tendered.”

The Bill then attempts to secure the application of those principles in actual practice.

The present system of procedure under Act VI of 1857 is as follows:—The Collector makes an offer of the sum which he thinks suitable; if it is not accepted, the proprietor appoints one arbitrator and the Collector another, and these two name a third. The decision of the three arbitrators is final. Experience has shown that this system has not led to satisfactory results. Although the mere declaration of the principles which ought to guide the arbitrators would doubtless help to remove many of the objections to the present procedure, it would not be safe to trust entirely to that check, and it is necessary to make direct provision against inequitable awards, and for setting such awards aside when made.

The procedure proposed by the present Bill may be shortly stated as follows:—

The Collector will cause the land required to be marked out and measured (sec. 9). He will then give notice to all persons interested in the property to appear before him and state the nature of their interests and the particulars of their claims to compensation (sec. 10). He will then enquire summarily into the value of the property and estimate the amount of the compensation according to the principles above stated (sec. 12). If the Collector and the persons interested agree as to the amount, he will make an award which will be final (sec. 13). If, however, they cannot agree, the matter will be referred to the determination of the Court.

The Court will then cause notice to be served on all persons interested requiring them (a) to state the sum which they are willing to accept, and (b) to state whether they prefer the amount to be determined by the Judge alone or by the Judge with assessors.

If the parties (*i. e.*, the Collector and the persons interested) prefer a determination by the Judge alone, he will decide the amount and his decision will be final.

If, however, they prefer a determination by the Judge with assessors, the parties will nominate two assessors, who again will nominate a third, and the Judge and the three assessors will proceed in open Court to determine the amount. Should the Judge and assessors differ on a point of law, the Judge's opinion will prevail. Should they differ on a question of fact or on the amount of the compensation, the Judge's decision will prevail, and, provided he agree with the majority of the assessors, will be final. But where the Judge differs from such majority, an appeal to the High Court will lie against his decision.

The Bill provides for the payment of reasonable fees to the assessors (sec. 40), and gives rules as to costs of the parties (sec. 50), and as to the time at which the compensation is to be paid (sec. 54).

When the persons interested differ as to the apportionment of the compensation, provision is made (secs. 19 to 32) for settling the difference (a) by the Collector, or (b) by the Court, or (c) by arbitrators chosen by the persons interested.

These are the leading provisions of the Bill. Its other clauses requiring special notice are the power to enter and survey whenever it seems to the Local Government that any land is likely to be needed for a public purpose or a work of public utility (sec. 4): the definition of works of public utility

(sec. 7), the clause in the same section providing that the circumstance that the whole or any part of a work is to be executed by or directly for the benefit of private persons or companies or municipal bodies shall not prevent it being deemed a work of public utility within the meaning of the proposed Act; and, lastly, the clause (sec. 17) authorising the Collector in cases of exceptional urgency to enter and take possession, though no award has been made or reference directed. The necessity for this clause has been suggested by past experience, and it is analogous to article 19 of the French law of the 8th March 1810. It will only operate under the special orders of the Local Government when extreme public inconvenience is likely to arise from the delay that must occur under the ordinary procedure; and the provisions of the Bill as to ascertaining and paying the compensation will, *mutatis mutandis*, apply in all such cases.

J. STRACHEY,

CALCUTTA,
The 15th February 1869. }

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 18th March 1869.

The Viceroy and Governor General will leave the Presidency on Thursday, the 25th instant, at 8-30 A. M.

His Excellency will travel through, and arrive at Umballa on the morning of the 27th instant.

By Command,
E. R. BOURKE, Major,
Offg. Mily. Secy. to the Viceroy.

HOME DEPARTMENT.

NOTIFICATIONS.

Public.

Fort William, the 15th March 1869.

No. 1328.

His Excellency the Viceroy and Governor General notifies the following appointment, with effect from the 18th February 1869:—

Staff Surgeon O. Barnett, Her Majesty's British Medical Service, to be Surgeon to His Excellency.

The 16th March 1869.

No. 1357.

The under-mentioned Specifications of Inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the

Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every Specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India, in the Home Department, at the Presidency to public inspection upon payment of a fee of one rupee. A certified copy of any Specification will be given to any person requiring the same on payment of the expense of copying:—

No. 393.—Mr. Thomas McMeekin, Manager of Doodputtee Tea Garden in Cachar, for improving the manufacture of tea.

No. 409.—Mr. William Judson Addis, Civil Engineer of Tanna, in the Bombay Presidency, for securing keys of wood or any other material for permanent way by means of nuts, bolts, or dog nails, washers, &c.

No. 414.—Mr. J. W. Robertson, Bombay Civil Service, for an improved permanent way key for securing rails in railway chairs and wedge for general purposes.

The 18th March 1869.

No. 1442.

His Excellency the Governor General in Council is pleased, under the Statute 24th and 25th Victoria, Cap. 67, Section 26, to grant the Hon'ble G. N. Taylor, an Ordinary Member of the Council of the Governor General of India, leave of absence on medical certificate for a period of six months from such date as he may avail himself of the same.

Judicial.

The 15th March 1869.

No. 403.

The under-mentioned Officers in the Central Provinces are invested with the powers described in Section I, Act XV of 1862:—

Mr. H. Read, whilst Officiating Deputy Commissioner of Bhundara.

Captain G. A. A. Warner, Deputy Commissioner, Dumoh.

Mr. J. F. Beddy, whilst Officiating Deputy Commissioner, Upper Godavery District.

The 18th March 1869.

No. 414.

Mr. G. W. Strettell, Officiating Deputy Conservator of Forests in Berar, is invested with the powers of a Subordinate Magistrate of the 1st Class, described in Chapter II, Section 22 of Act XXV of 1861, to be exercised within the limits of his Forest Division.

The 19th March 1869.

No. 435.

Under the provisions of Section 3 of Act II of 1869, His Excellency the Viceroy and Governor General in Council is pleased to appoint the following Officers of the Mysore Commission to be Justices of the Peace in and for the whole of British India:—

Captain E. D. Gompertz, Superintendent of Police for the District and Cantonment of Bangalore.

| | |
|--------------------------------|-----------------------------------------------|
| Captain H. F. DeLousada. | } Assistant Superintendents of the 3rd Class. |
| Lieutenant J. S. F. Mackenzie. | |
| „ H. M. S. Magrath. | |
| „ J. T. McGoun. | |
| Mr. H. W. Wellesley. | |

Police.

The 15th March 1869.

No. 159.

The Governor General in Council is pleased to sanction the following arrangements in the Police of the Hyderabad Assigned Districts:—

Mr. H. W. Bowen, District Superintendent of Police, 3rd Grade, officiated in the 2nd Grade from 1st to 9th July 1868 (under the terms of the New Furlough Regulations), *vice* Mr. F. Wright, on privilege leave.

Captain C. Jameson, attached to the 4th Infantry, Hyderabad Contingent, officiated as District Superintendent of Police, 3rd Grade (under the terms of the New Furlough Regulations) from 1st to 9th July 1868, *vice* Mr. Bowen, promoted.

Mr. F. Wright, District Superintendent of Police, 2nd Grade, to officiate in the 1st Grade from the 9th September 1868, *vice* Lieutenant C. T. Lane, promoted.

Mr. H. W. Bowen, District Superintendent of Police, 3rd Grade, to officiate in the 2nd Grade from the 9th September 1868, *vice* Mr. F. Wright, promoted.

Mr. E. Moffatt, Assistant Superintendent of Police, 2nd Grade, officiated as District Superintendent of Police, 3rd Grade, from 9th September to 23rd November 1868, to fill a temporary vacancy.

Captain C. Jameson, attached to the 4th Infantry, Hyderabad Contingent, to officiate as District Superintendent of Police, 3rd Grade, from 24th November 1868, *vice* Mr. Bowen, promoted.

Mr. E. Moffatt, Assistant Superintendent of Police, 2nd Grade, officiated in the 1st Grade from 24th November to 3rd December 1868, *vice* Mr. H. Cotgrave.

No. 160.

Mr. H. Cotgrave, Assistant Superintendent of Police, 1st Grade, in the Hyderabad Assigned Districts, officiated as District Superintendent of Police, 3rd Grade, during the absence on leave on private affairs of Mr. H. S. Nicholletts.

No. 162.

Mr. F. Wright, Officiating District Superintendent of Police, 1st Grade, in the Hyderabad Assigned Districts, obtained leave of absence on medical certificate from the 6th to the 21st January 1869.

No. 163.

The following arrangements in the Police of the Hyderabad Assigned Districts are sanctioned by His Excellency the Governor General in Council:—

Mr. H. W. Bowen, Officiating District Superintendent of Police, 2nd Grade, officiated in the 1st Grade during Mr. F. Wright's absence on leave.

Mr. N. R. Cumberlege, District Superintendent of Police, 3rd Grade, officiated in the 2nd Grade during the period that Mr. Bowen officiated for Mr. Wright.

Mr. E. Moffatt, Assistant Superintendent of Police, 2nd Grade, officiated as District Superintendent, 3rd Grade, *vice* Mr. Cumberlege.

Mr. C. S. Faddy officiated as Assistant Superintendent of Police, 2nd Grade, *vice* Mr. Moffatt.

No. 165.

Mr. E. R. Christian, District Superintendent of Police, 3rd Grade, Hyderabad Assigned Districts, made over charge of his office to Mr. A. Gibson on the afternoon of the 16th January 1869 preparatory to proceeding to Bangalore.

Mr. Gibson officiated as District Superintendent of Police, 3rd Grade, from the 16th to the 21st January 1869.

No. 167.

The Governor General in Council is pleased to sanction the following arrangements in the Police of the Hyderabad Assigned Districts, with effect from the 21st January last:—

Mr. H. Cotgrave, Assistant Superintendent, 1st Grade, to officiate as District Superintendent, 3rd Grade, *vice* Mr. H. S. Nicholls, appointed to officiate as Assistant Commissioner.

Mr. C. S. Faddy, Officiating Assistant Superintendent, 2nd Grade, to officiate in the 1st Grade, *vice* Mr. Cotgrave.

Mr. A. Gibson to officiate as Assistant Superintendent, 2nd Grade, *vice* Mr. Faddy.

The 19th March 1869.

No. 174.

Lieutenant Colonel Mowbray Thomson, District Superintendent of Police at Bijnore, is permitted, at his own request, to resign his appointment in the Police, and his services are placed at the disposal of the Military Department.

Revenue.

(Geographical).

The 18th March 1869.

No. 86.

The re-appointment of Lieutenant J. W. house, R. A., to the Survey Department, published in the Gazette of the 12th instant, will have effect from the 17th ultimo.

Ecclesiastical.

The 18th March 1869.

No. 109.

Under Section 21 of the Rules, published in Financial Department Notification No. 1491, dated 31st July last, it is necessary to issue orders as to the manner of dealing with applications for furlough from members of the Bengal Ecclesiastical Establishment, or members of the Madras or Bombay Ecclesiastical Establishments employed in the Diocese of Calcutta. The Governor General in Council is accordingly pleased to lay down the following Regulations for the disposal of such applications:—

I. Subject to the exigencies of the Public Service, Local Governments and Chief Commissioners are empowered, with the concurrence of the Bishop of Calcutta, to grant any furlough or special leave authorized by the Rules to Chaplains serving within their respective jurisdictions.

II. If a Chaplain applying for furlough or special leave belong to the Madras or Bombay Ecclesiastical Establishment, the Local Government or Administration under which he is serving will, if the furlough or leave be granted, inform the Government of Madras or Bombay as the case may be.

III. The Bishop of Calcutta is empowered to grant privilege leave to Chaplains under the provisions of Rules 15 to 17, and subject to the exigencies of the State, of which the Bishop shall be the judge. But the grant, cancellation, or extension of such leave should be reported to the Local Government or Administration concerned.

IV. All applications for leave or furlough should be accompanied by a certificate from the Local Accountant General, showing that the applicant is entitled to the leave asked for, and should, as a general rule, be forwarded, in the first instance, through the proper channel to the Bishop of Calcutta, who will transmit applications for furlough or special leave, with His Lordship's remarks to the Local Government or Administration concerned, and will himself dispose of applications for privilege leave. But in cases of urgency, leave on medical certificate may be granted by the Local Government or Chief Commissioner in anticipation of the concurrence of the Bishop, who should, however, be informed without delay.

V. Except under orders of the Secretary of State, the term of furlough or special leave cannot be altered without the permission of the Government or Administration by which it may have been granted.

VI. Every Chaplain who obtains leave or furlough shall supply himself with a last pay certificate and with a statement showing the pay which he is entitled to draw while absent. It shall be the

duty of the Local Accountant General to furnish these documents, and no leave allowances will be payable without their production.

VII. A quarterly statement of Chaplains absent on furlough or special leave, with the dates of the grant and expiry of such furlough or leave, brought up to the 31st March, 30th June, 30th September, and 31st December of each year, shall be punctually furnished by Local Governments and Administrations to the Government of India in the Home Department.

VIII. From these quarterly returns a register will be compiled and kept at the Office of the Secretary to the Government of India, in the Home Department, of all grants to Chaplains on leave or furlough, of all extensions of leave or furlough, and of all returns to duty from absence. This register will be published quarterly in the *Gazette of India*.

IX. Every Chaplain returning to duty shall report his return to the Bishop, and to the Local Government or Administration by which his leave or furlough may have been granted.

X. If any Local Government or Administration shall see fit to refuse a furlough to any Chaplain on the ground of the exigencies of the Public Service, it shall report such refusal for the confirmation of the Government of India.

E. C. BAYLEY,

Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Military.

Fort William, the 19th March 1869.

No. 63.

LEAVE.—Captain C. Martin, 2nd in Command of the 2nd Regiment of Central India Horse, is granted preparatory leave of absence for 30 days from the 28th instant to enable him to proceed to Bombay, in view to his applying for furlough to Europe.

No. 65.

APPOINTMENTS.—The following appointments in the Eriupoorah Irregular Force are sanctioned by His Excellency the Viceroy and Governor General in Council in consequence of the demise of Colonel Hall, the Commandant:—

Lieutenant Colonel G. A. Black, 2nd in Command and Squadron Officer, to be Commandant.

Captain J. Jacob, Adjutant and Officiating 2nd in Command and Squadron Officer, to be 2nd in Command.

Lieutenant W. E. Gowan, Officiating Adjutant and Station Staff, to be Adjutant.

No. 68.

The following appointments in the Deolee Irregular Force are sanctioned by His Excellency the Viceroy and Governor General in Council:—

Captain C. H. Clay, 2nd in Command and Squadron Officer, to be Officiating Commandant during the absence of Colonel Macdonald on furlough.

Lieutenant and Adjutant J. H. L. Greenfield to be Acting 2nd in Command.

General.

The 19th March 1869.

No. 525.

Colonel R. C. Lawrence, C. B., received charge of the Nipal Residency from D. Wright, Esq., M. D., on the 8th instant.

No. 527.

Captain P. W. Bannerman, Commandant of the Malwa Bheel Corps, and Bheel Agent and Political Assistant, Sirdarpore, made over charge of his office to Captain T. Cadell, V. C., on the afternoon of the 5th instant.

No. 529.

Lieutenant Colonel R. J. Meade, C. S. I., made over charge of the Central India Agency to Colonel H. D. Daly, C. B., Officiating Political Agent at Gwalior, on the afternoon of the 8th instant.

No. 531.

LEAVE.—Ashfaq Hoossein, an Extra Assistant Commissioner of the Hoshungabad District, in the Central Provinces, is granted leave of absence on medical certificate for nine months, with effect from the date on which he may avail himself of it.

No. 533.

LEAVE.—Mr. C. Hordern, Officiating Deputy Commissioner of the Booldanah District, in the Hyderabad Assigned Territories, is granted privilege leave of absence for three months from the 8th proximo, or from such subsequent date as he may avail himself of it.

No. 535.

Mr. P. S. Melvill, C. S., Commissioner and Superintendent of the Rawul Pindee Division, to officiate as Financial Commissioner of the Punjab during the absence on leave of Mr. R. E. Egerton, C. S., with effect from the 9th proximo.

No. 537.

PROMOTIONS.—His Excellency the Viceroy and Governor General in Council is pleased to sanction the following promotions and appointment in the British Burmah Commission in consequence of the death of Moungh Shwé Bo, an Extra Assistant Commissioner of the 1st Class, 2nd Grade, with effect from the forenoon of the 7th January last, except where otherwise specified:—

Moungh Hmay (Bassein District), Extra Assistant Commissioner of the 3rd Class, 1st Grade, to be an Extra Assistant Commissioner of the 1st Class, 2nd Grade.

Moungh Shwé Att (Tavoy District), Extra Assistant Commissioner of the 3rd Class, 2nd Grade, to be an Extra Assistant Commissioner of the 3rd Class, 1st Grade.

Moung Na Hto Shwé, Extra Assistant Commissioner of the 3rd Class, 3rd Grade, to be an Extra Assistant Commissioner of the 3rd Class, 2nd Grade.

Moung Hmat, Extra Assistant Commissioner of the 3rd Class, 4th Grade, to be an Extra Assistant Commissioner of the 3rd Class, 3rd Grade.

Moung Hpoo, Extra Assistant Commissioner of the 3rd Class, 5th Grade, to be an Extra Assistant Commissioner of the 3rd Class, 4th Grade.

No. 538.

Moung Shwé Myat to be an Extra Assistant Commissioner of the 3rd Class, 5th Grade, with effect from the date of joining his appointment.

Telegraph.

The 19th March 1869.

No. 202.

LEAVE.—Mr. E. C. Yeatman, an Assistant Superintendent of the 2nd Grade in the Telegraph Department, is granted leave of absence on medical certificate to Europe for 18 months, with effect from the date on which he may avail himself of it.

W. S. SETON-KARR,

Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

[Fort William, the 15th March 1869.

No. 1672.

The following letter to the Accountant General, Bengal, is published for general information:—

From—R. B. CHAPMAN, Esq., Offg. Secy. to the Govt. of India, FINANCIAL DEPT.,

To—The Accountant General, Bengal.

I am directed to acknowledge the receipt of your letter No. 1913 E of the 19th ultimo, and in reply to state that the Resolution No. 122, passed in this Department on the 6th January 1869, regarding the acting allowances of Uncovenanted Servants, was not intended to reduce allowances which were being drawn at the time of its promulgation under rules previously in force.

No. 1675.

The Governor General in Council is pleased, under Section 36 of Act XIV of 1866, to order that postage stamps, impressed on envelopes or note paper, shall not be recognized in payment of postage when cut or otherwise detached from the envelopes or paper on which they were impressed.

The 16th March 1869.

No. 1696.

Under the authority reserved to him by Section 2 of Act XVIII of 1865, the Governor General

in Council is pleased to exempt from stamp duties under Act X of 1862 all Tenders on account of the Loan advertized in the Notification published in the *Gazette of India Extraordinary* of 16th March 1869.

The 17th March 1869.

No. 1717.

Read the under-mentioned Notifications of this Department:—

No. 1491, dated the 31st July 1868, publishing revised rules for the grant of leave of absence to Chaplains.

No. 1092, dated the 18th ultimo, publishing certain modifications of the rules for the grant of leave of absence to Covenanted Civil Servants.

RESOLUTION.—In the Notification of the 18th ultimo it was declared:—

1st.—That “a Covenanted Civil Servant who has taken leave on medical certificate under leave rules prior to those of 1868 shall not be debited with such leave up to the limit of one year against furlough which would otherwise be at his credit; but that “all such leave shall be included in the maximum amount of six years fixed in Rule II of the rules of 1868.”

2nd.—That the following was substituted for rule III of the rules of 16th June 1868:—“subject to the above limit furlough shall be placed to the credit of each Officer at the proportional rate of one year’s furlough for every four years of actual service.”

2. The Governor General in Council is of opinion that the provisions of this Notification should be extended to the cases of Chaplains, but with a slight alteration in the second provision, owing to the rule that a Chaplain earns his first furlough for two years by seven years’ actual service, so that the period of furlough earned by him is not precisely one-fourth of his actual service.

3. His Excellency in Council is pleased accordingly to sanction, subject to the confirmation of the Secretary of State, the substitution of the following for Sections III and IV of the rules for the grant of leave of absence to Chaplains contained in the Notification of the 31st July last:—

III.—Subject to the above limit furlough shall be placed to the credit of each Chaplain at the rate of one-fourth of his actual service after adding thereto one year.

EXAMPLE.

A Chaplain who has completed nine years’ actual service will be credited with one-fourth of ten years, i. e. 2½ years’ furlough.

IV.—Subject to the same limit leave on medical certificate to the extent of one year taken prior to the promulgation of these rules shall not be deducted from the furlough credited to a Chaplain under Rule III.

IVA.—Except under Rule VIII, furlough shall not be taken until the completion of seven years’ actual service, nor in excess of the period of furlough at credit under Rules III and IV.

ORDERED, that the foregoing Resolution be published in the *Gazette of India*, and communicated to the Home Department, the Comptroller

General of Accounts, the Accountants General in Bengal, Madras, Bombay, the North-Western Provinces, the Punjab, and British Burmah, and the Deputy Accountants General in the Central Provinces, Hyderabad, and Mysore.

No. 1722.

The following Notification is republished for general information:—

FINANCIAL DEPARTMENT.

NOTIFICATION.

Fort William, the 16th March 1869.

His Excellency the Right Hon'ble the Governor General in Council has resolved to borrow two crores of rupees for the public service in the manner following:—

Promissory Notes bearing interest at the rate of 4 per centum per annum will be issued for sums of Rs. 500 and for sums above that amount in even hundreds. The form and conditions of the Notes will be those of the Notes of the 4 per cent. Transfer Loan of 1st May 1865, of which Loan they will form a part. The Notes will be payable to order, and interest thereon will be paid half-yearly on the 1st November and 1st May in each year.

Notice is accordingly hereby given that tenders will be received at the Office of the Secretary to the Government of India in the Financial Department, Calcutta, from this date to noon of the seveneenth day of April next for the whole or part of the above-named sum of two crores of rupees.

Tenders must be made in the form prescribed below, addressed to the Financial Secretary, Treasury Buildings, Calcutta, and sent in sealed covers inscribed "Tender for Loan."

Tenders will be opened by the Comptroller General of Accounts or other Officer deputed by the Government at noon on the 17th April next.

The amount of accepted tenders must be paid by the allottees on the dates and in the proportions following:—

One-half on 1st May next.
One-quarter on 1st June.
One-quarter on 1st July.

Payment may be made into any Government treasury or treasuries in India that may be named in the tenders.

On the second and third instalments, interest to the 31st October will be paid in anticipation of due date.

Each tender must be accompanied by a receipt from the Officer in charge of any Government treasury for a sum of not less than one per cent. on the amount tendered for, or by a cheque on a banker in Calcutta, Madras, or Bombay. The deposit of one per cent. will be considered as in part payment of the third instalment; it will bear interest from the 1st July only, and will be forfeited if the allotment is not fully taken up.

ScrIP receipts will be issued by the Officers in charge of the treasuries at which payment is made by the allottees.

These receipts will be exchanged for Promissory Notes as soon as possible.

A right of preference will be given to the highest tenders in price. Those below a certain minimum will be rejected. A record of this minimum will be placed in a sealed envelope and opened simultaneously with the tenders. The amount allotted at the minimum rate accepted will be divided among those who tender at that rate in proportion to the amount of their tenders.

A list of the accepted tenders will be posted at the General Treasuries, Calcutta, Madras, and Bombay, on an early day after the 17th April next.

FORM OF TENDER.

I hereby tender for Rs. _____ of the Loan advertized in the Notification published in the *Gazette of India Extraordinary* of 16th March 1869, and agree to pay for the same, subject to the conditions notified, at the rate of Rs. _____ for every hundred Rupees allotted to me.

I enclose a deposit receipt* for _____ Rupees, and engage, if my offer be accepted, to pay the several instalments on or before the dates fixed by the Notification, namely,—

one-half on or before 1st May 1869,
one-quarter on or before 1st June 1869,
and the remainder on or before 1st July 1869,

+ Here enter name of _____ into the Government treasury at _____ treasury.

The 18th March, 1869.

No. 1724.

In continuation of the Notification dated 16th March, calling for a loan of two crores of Rupees bearing interest at 4 per cent, the Right Hon'ble the Governor General in Council is pleased to declare that Government securities blank-endorsed will, at the option of parties tendering, be accepted in lieu of the deposit of cash or cheques required with all tenders in pledge that any allotment made will be fully taken up.

No. 1749.

The following despatch, and its enclosures, are published for general information:—

SEPARATE REVENUE. INDIA OFFICE,
No. 3. London, 11th Feb. 1869.

To

His Excellency the Right Hon'ble the Governor General of India in Council.

MY LORD,—I transmit to your Excellency in

Letter from Mr. Arthur Otway, M. P., dated 21st January 1869.

Decree dated 4th June.

Translation.

Letter to Mr. Otway, M. P., dated 4th February 1869.

Council a copy of a correspondence which has taken place between this department and that of Her Majesty's Secretary of State for Foreign Affairs, by which you will perceive that the Spanish Government have issued a Decree removing differential Duties with regard to Port and Navigation Dues in the Spanish Colonies in favor of such countries as are in a position to declare that reciprocal privileges are conceded within their Ports as to Spanish Vessels.

I have, &c.,

ARGYLL

FOREIGN OFFICE,
21st January 1869.

To
The Under-Secretary of State,
INDIA OFFICE.

SIR,—I am directed by the Earl of Clarendon to transmit to you, to be laid before the Secretary of State for India, copy of a Spanish Decree, removing differential Duties as regards Port Dues in the Spanish Colonies in favor of such countries as are in a position to declare that reciprocal privileges are conceded within their Ports.

I am to request, that in laying this paper before the Duke of Argyll, you will move His Grace to inform Lord Clarendon how far Her Majesty's Government will be justified in making a declaration such as that required by the terms of the decree in so far as British India is concerned.

I have, &c.,
(Sd.) ARTHUR OTWAY.

(TRANSLATION.)

MINISTER OF THE COLONIES, ROYAL DECREE.

To
The Minister of the Colonies, Carlos Marfori.

For the reasons set forth by the Minister of the Colonies in accordance with the Council of Ministers I decree the following:

ART. 1.—With regard to the exaction of Port and Navigation Dues in Cuba, P. Rica, and the Philippine Islands, equality shall exist between Spanish Vessels and the Ships of all those Nations which may, in their respective Territories and Colonies, make the like concession to Spanish Vessels proceeding from the Ports of the above-mentioned Island, and from the Ports of the Peninsula and adjacent Islands.

ART. 2.—Reciprocity in the payment of the said Dues shall come into operation in the Colonies with regard to the vessels of each nation, on the day of publication in the Gazette of the Order by which the said Reciprocity may be determined.

Given at the Palace on 4th June 1868.

Signed by the Royal Hand.

INDIA OFFICE,
4th February 1869.

To
ARTHUR OTWAY, ESQ., M. P.,
Foreign Office.

SIR,—I am directed by His Grace the Secretary of State for India to acknowledge the receipt of your letter of the 21st ultimo, which transmitted by desire of Her Majesty's Secretary of State for Foreign Affairs, a copy of a Spanish Decree, with a translation, removing Differential Duties as regards Port Dues in the Spanish Colonies in favor of such countries as confer reciprocal privileges upon Spanish Vessels.

In reply to the Earl of Clarendon's request, that he may be informed how far he will be justified in making a Declaration of reciprocity so far as British India is concerned, I am to request you to acquaint His Lordship, that the several

Acts of the Legislative Council of India, which regulate the imposition of Port Dues, draw no distinction between British Vessels and Vessels of Foreign origin.

The Earl of Clarendon is also aware from Mr. Melvill's letter to Mr. Hammond of the 6th of January 1862, that no Differential Duties or Prohibitions now exist in British India in favor of Great Britain, but that the produce of Foreign Countries is in all respects on the same footing as that of the United Kingdom and the British Colonies.

The Duke of Argyll will transmit a copy of this correspondence to the Governor General of India in Council.

I have, &c.,
(Sd.) H. MERRIVALE.

No. 1753.

Read the under-mentioned papers:—

Resolution No. 1490 passed in this Department on the 30th July 1868 regarding the acting allowances of Military Officers in Civil employ.

Communication from the Public Works Department No. 199 R, dated the 18th ultimo, proposing certain rules regarding the allowances of Acting Officers in the Railway Department, and reviving the question whether a Military Officer on a staff salary, officiating in a Civil appointment on a consolidated salary, should draw the whole or a portion of the staff salary in addition to the usual acting allowance.

RESOLUTION.—The Governor General in Council is pleased to approve of the proposals of the Public Works Department, and to decide, on a reconsideration of the question raised in paragraph 6 of the communication from that Department, that the following shall be substituted for the first of the rules contained in the Resolution No. 1490 passed in this Department on the 30th July 1868: A Military Officer acting in a Civil appointment, the salary of which is consolidated, shall, in respect of acting allowances, be subject to the rules promulgated in Orders No. 534 of the Financial Department, dated the 16th June 1868, regarding the acting allowances of Covenanted Civil Officers. *If such Officer hold a substantive appointment carrying staff allowances he will retain such allowances in addition to the said acting allowances, subject to the conditions in the said rules.*

ORDERED, that the foregoing Resolution be published in the *Gazette of India* for general information.

The 19th March 1869.

No. 1763.

In continuation of Notification No. 1030, dated the 11th February 1869, the following Statement of Cash Balances, as reported up to this date, in the Government Treasuries in India, at the close of the month of January last, contrasted with that

the previous years, is published for general information:—

| | JANUARY 1867. | JANUARY 1868. | JANUARY 1869. |
|-------------------------|------------------|------------------|------------------|
| | Rs. | Rs. | Rs. |
| Government of India | 65,43,412 | 33,85,037 | 39,90,616 |
| Bengal | 1,43,60,617 | 1,70,05,102 | 1,59,49,557 |
| British Burmah | 11,16,006 | 17,69,290 | 17,47,859 |
| North-Western Provinces | 2,19,59,495 | 2,26,31,781 | 1,49,10,319 |
| Central Provinces | 44,84,921 | 46,49,884 | 43,56,689 |
| Bombay | 96,42,750 | 98,80,601 | 90,93,841 |
| Punjab | 2,06,86,156 | 2,32,32,427 | 1,52,76,987 |
| Central Provinces | 36,01,732 | 48,77,889 | 49,15,964 |
| Madras | 2,06,57,898 | 2,16,74,730 | 1,85,26,703 |
| | 10,30,52,987 | 10,91,06,741 | 8,87,68,635 |
| Herars | 50,58,594 | | |
| TOTAL | 10,81,11,581 | | |

The Cash Balance of the Herars is omitted; their Revenues and Charges being excluded from those of the Government of India from 1867.

No. 1765.

Monthly Statement of Accounts received up to the 27th February 1869.

| ACCOUNTING OFFICERS AND DEPARTMENTS. | For 1868-69. | |
|-------------------------------------------------------|------------------|-------------------|
| | Date of Receipt. | Up to what Month. |
| Assistant General, Madras | Feb. 3, '69. | Dec. 1868 |
| Ditto, Bengal | " 5, " | Ditto |
| Ditto, British Burmah | " 8, " | Ditto |
| Deputy Assistant General, Central Provinces | " 13, " | Ditto |
| Assistant General, Bombay | " 23, " | Ditto |
| Ditto, Punjab | Jan. 11, " | Nov. 1868 |
| Ditto, N. W. Provinces (for Oude) | Feb. 1, " | Ditto |
| Ditto, N. W. Provinces (for N. W. Provinces) | " 6, " | Ditto |
| Public Works Department | " 17, " | Ditto |
| Currency and Departmental Accounts Branch (for India) | Jan. 30, " | Oct. 1868 |
| Military Department | Feb. 27, " | Ditto* |

* Incomplete.

No. 1767.

Mr. T. Peachey received charge of the Office of Assistant General, British Burmah, from Mr. W. E. Gordon on the forenoon of the 4th instant.

No. 1769.

Under the provisions of Section 2 of Act XVIII of 1865, the Governor General in Council is pleased to declare that all petitions that may be presented to the Special Commissioner, may be appointed under Act II of 1869, Bengal Council, being an Act to ascertain, regulate, and record certain tenures in Chota Nagpore, shall be exempt from all stamp duty.

R. B. CHAPMAN,

Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Establishment.

Fort William, the 13th March 1869.

No. 79.

Mr. J. E. Fraser is appointed to the Public Works Department as an Assistant Engineer of the 1st Grade and posted to the Punjab.

No. 80.

The under-mentioned gentlemen in the service of the East Indian Irrigation Company are brought on the strength of the Public Works Department in the grades opposite their names and posted to Bengal:—

Mr. H. C. Levinge, Superintending Engineer, 1st Class, 1st Grade.

Mr. R. Long, Executive Engineer, 1st Grade.

Mr. C. Fouracres, Executive Engineer, 4th Grade.

Mr. J. Pew, Sub-Engineer, 1st Grade.

The 17th March 1869.

No. 81.

Colonel C. H. Dickens, R. A., C. S. I., Secretary to the Government of India, in the Public Works Department, rejoined from privilege leave on the 17th March 1869.

No. 82.

Major F. C. Taylor, Madras Staff Corps, Superintendent of Roads, Meywur, is allowed three weeks' subsidiary leave to Bombay, to enable him to appear before a Medical Board preparatory to applying for furlough to Europe on medical certificate.

No. 83.

Lieutenant A. D. McArthur, R. E., is appointed to the Public Works Department as an Assistant Engineer, 2nd Grade, and posted to Bengal.

The 18th March 1869.

No. 84.

Captain J. Thomson, Bengal Staff Corps, 1st Wing Subaltern, 13th Regiment Native Infantry, is appointed to the Public Works Department as a temporary Assistant Engineer of the 2nd Grade, and posted to the Irrigation Branch in the Punjab.

No. 85.

Mr. F. C. Marshall, Executive Engineer of the 2nd Grade in Central India, has been allowed fifteen days' leave preparatory to applying for furlough to Europe.

No. 86.

The appointment of Sachachellam Moodellier as an Overseer of the 2nd Grade on the Mysore Establishment (Notification No. 272, dated 23rd

October 1868) is cancelled, and Mr. R. W. Shaw is appointed an Overseer of the 2nd Grade and posted to Mysore instead.

The 19th March 1869.

No. 87.

Major W. Chrystie, R. E., Executive Engineer, 1st Grade, and Assistant to the Chief Engineer in Mysore, has been allowed one month's leave preparatory to applying for furlough to Europe.

No. 88.

Sergeant H. B. Jackson, Sub-Engineer, 2nd Grade, is transferred from Rajpootana to the North-Western Provinces.

No. 89.

The appointment of Mr. C. H. Burt as an Executive Engineer of the 4th Grade on the Punjab Establishment (Notification No. 333, dated 17th December 1868), is cancelled.

R. STRACHEY, Colonel, R. E.,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 13th March 1869.

No. 309 of 1869.—With the approval of Her Majesty's Government, His Excellency the Governor General in Council is pleased to appoint Colonel the Hon'ble F. A. Thesiger, C. B., of the 95th Foot, to be Adjutant General to the Army in India, in succession to Colonel H. E. Longden, C. B., who is permitted to resign the appointment from the 17th instant.

No. 310 of 1869.—The following promotions are made in the Warrant Grades from the date specified:—

PUBLIC WORKS DEPARTMENT.

To be Conductor.

| | |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Sub-Conductor G. F. F. Cox, Supervisor, 1st Grade, Public Works Department, Punjab. | } From the 21st January 1869, vice Conduct- or J. Finn, re- tired. |
| <i>To be Sub-Conductor.</i> Sergeant J. Stewart, Super- visor, 2nd Grade, Public Works Department, Punjab. | |

No. 311 of 1869.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 33, dated 11th February 1869, is published for general information:—

MILITARY.

INDIA OFFICE;

No. 33.

London, 11th February 1869.

To His Excellency the Right Hon'ble the Governor General of India in Council.

MY LORD,—The under-mentioned Officers have been permitted to return to their duty, viz.:—

Lieutenant Colonel R. R. Mainwaring.
Captain A. H. Eckford.
" S. T. Trevor.

Captain H. M. Pratt.
Lieutenant A. Vallings.
Ensign J. Lynch.
Assistant Surgeon E. Grant.
" C. Hatchell.

2. The under-mentioned Officers have been granted extensions of leave for the periods specified, viz.:—

| | |
|---------------------------------------|------------|
| Colonel J. R. Becher ... | 6 months |
| Lieutenant Colonel E. J. Rickards ... | 4 " |
| " H. Finch ... | 6 " |
| Major G. A. F. Houchen ... | 4 " |
| Captain W. F. Fergusson ... | } 6 months |
| Lieutenant T. Kinahan ... | |
| " E. J. Webber ... | |
| " W. Atkins ... | } 2 months |
| Assistant Surgeon G. Grant ... | |

3. Captain R. D. Osborn has been granted an extension of leave for one year for the purpose of collecting materials for a Work on Indian History.

4. The under-mentioned Officers have been permitted to retire from the service from the date specified, viz.:—

| | |
|----------------------------------------------------|---------------------------------|
| Lieutenant Colonel H. R. Shel- ton. | } From 16th De- cember 1868. |
| Brevet Major F. H. M. Sitwell | |
| Deputy Inspector General of Hospitals D. McRae. | } From 21st De- cember 1868. |
| | |

I have, &c.,

ARGILL.

No. 312 of 1869.—His Excellency the Governor General of India in Council is pleased to make the following promotion and alteration of rank in the Medical Department:—

Deputy Inspector General of Hospitals, with temporary rank, Hugh Martin Macpherson to have permanent rank from the 31st March 1869, vice Deputy Inspector General of Hospitals J. A. Guise, permitted to retire from the service from that date.

Deputy Inspector General of Hospitals T. Hastings, promoted by Government General Order No. 272 of 1869, will rank from the 21st December 1868, vice Deputy Inspector General of Hospitals D. McRae, retired.

No. 313 of 1869.—His Excellency the Governor General in Council is pleased to make the following appointments with effect from the 31st March 1869, the date on which Surgeon Major H. M. Macpherson is appointed to be Deputy Inspector General of Hospitals:—

Surgeon Major C. B. Francis, M. B., Examiner of Medical Accounts and Officiating Secretary to the Inspector General of Hospitals, Indian Medical Service, Lower Provinces, to be Secretary, vice Surgeon Major Macpherson.

Surgeon J. Pictball, M. D., Officiating Examiner of Medical Accounts, to be Examiner, vice Surgeon Major Francis.

The 16th March 1869.

No. 314 of 1869.—The services of Captain J. Upperton, of the Bengal Staff Corps, 2nd Squadron Officer, 19th Bengal Cavalry (Lancers), are placed temporarily at the disposal of the Government of the Punjab for special duty.

No. 315 of 1869.—The following Order issued by the Government of Bombay is confirmed:—

No. 167 of the 3rd March 1869.—Granting furlough to Europe on medical certificate to the under-mentioned Officer:—

Surgeon John Groscort Reed, M. D., of the Madras Medical Establishment, in medical charge of the 3rd Cavalry, Hyderabad Contingent. } For two years, under the Regulations of 1868.

No. 316 of 1869.—The following Order issued by the Resident at Hyderabad is confirmed:—

No. 39 of the 2nd March 1869.—Confirming the Regimental Order issued to the 4th Infantry, Hyderabad Contingent, dated the 20th February 1869, directing Lieutenant J. G. Proudfoot, Wing Subaltern, to officiate in addition as Adjutant during the period Captain Playfair may officiate as 2nd in command, or until further orders.

No. 317 of 1869.—The following promotion is made in the under-mentioned Corps of the Punjab Frontier Force:—

| CORPS. | RANK AND NAMES. | TO WHAT RANK PROMOTED. | FROM WHAT DATE. | IN WHOSE ROOM. |
|-------------------------------------|--------------------------|------------------------|-----------------|------------------------|
| 3rd Cavalry, Punjab Frontier Force. | Duffadar, Abdoool Hakeem | Jemadar ... | 30th Jan. 1869. | Umreek Sing, deceased. |

No. 318 of 1869.—The under-mentioned soldiers of Her Majesty's service are permitted to reside and draw their pay in India as out-pensioners of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of their pensions:—

Gunner D. Murphy, 25th Brigade Royal Artillery.
Private Thomas White, 58th Foot.

No. 319 of 1869.—The services of Captain C. V. Conway-Gordon, of the Bengal Staff Corps, Adjutant of the 1st Sikh Infantry, are, at his own request, placed at the disposal of the Commander-in-Chief for employment under His Excellency's orders.

The 17th March 1869.

No. 320 of 1869.—The under-mentioned student of the Military Class attached to the Calcutta Medical College having passed the prescribed examination is admitted into the service* as a Native Doctor, with effect from the 9th March 1869, and placed at the disposal of the Inspector General of Hospitals, Indian Medical Service, Lower Provinces:—

Dad Ally.

No. 321 of 1869.—With reference to the appointment of Lieutenant T. Deane, of the 21st Hussars, to officiate as Adjutant of the Governor General's Body Guard, announced in Government General Order No. 247 of the 2nd March 1869, it is notified that that Officer is a candidate for the Staff Corps.

No. 322 of 1869.—The leave of absence for six months to visit Simla on private affairs granted to Lieutenant G. Lamb, 3rd Class Commissary of Ordnance, in Government General Order No. 133 of the 3rd ultimo, is to be held to have effect from the 6th May 1869, or from such subsequent date as he may avail himself of it, instead of the date previously notified.

No. 323 of 1869.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Ensign Alfred Gaselee, of the 93rd Foot, 1st Wing Subaltern, 4th Punjab Infantry. } 11th Oct. 1866.

No. 324 of 1869.—Ensign A. Gaselee, of the 93rd Foot, 1st Wing Subaltern, 4th Punjab Infantry, admitted to the Bengal Staff Corps in Government General Order No. 323 of this date, will rank as Lieutenant in that Corps under the operation of paragraph 84 of Government General Order No. 332 of 1861, with effect from the 11th October 1866, subject to Her Majesty's approval.

The 18th March 1869.

No. 325 of 1869.—His Excellency the Governor General in Council is pleased to notify that the appointment of Inspecting Veterinary Surgeon in India, created by Government General Order No. 634 of the 20th July 1866, is to be classed with those situations on the Staff which are tenable for five years only, unless by re-appointment under special circumstances.

In the case of present incumbents, the five years' tenure will be reckoned from the date of this General Order, which is applicable to the three Presidencies.

No. 326 of 1869.—The under-mentioned Officer has reported his return from England:—

Date of arrival at Fort William.

Lieutenant Colonel J. N. Young, of the Bengal Staff Corps, Deputy Judge Advocate General, Presidency Division and Eastern Frontier District. } 15th March 1869.

No. 327 of 1869.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Judge Advocate General's Department.

Lieutenant Colonel J. N. Young, of the Bengal Staff Corps, Deputy Judge Advocate General, Presidency Division and Eastern Frontier District, to officiate as Deputy Judge Advocate General at Army Head Quarters during the absence on furlough to Europe of Lieutenant Colonel F. C. Maisey, or until further orders.

No. 328 of 1869.—Under the authority of the Right Hon'ble the Secretary of State for India, Hospital Steward J. A. Barthelemy, of the Subordinate Medical Department, who was transferred to the Pension Establishment by Government General Order No. 301 of the 22nd March 1868, having passed a successful examination as an Apothecary in 1856, though inadvertently omitted to be gazetted in that grade, is, as a special case, granted the invalid pension of an Apothecary, *vis.*, Rs. 80-7 per month, instead of that previously assigned to him.

The 19th March 1869.

No. 329 of 1869.—The under-mentioned Officer is admitted to the Bengal Staff Corps with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

| | |
|------------------------------------------------------------------------------------------------------|--------------------|
| Cornet Frank Barrow, of the 2nd Dragoon Guards, 2nd Squadron Subaltern, 1st Bengal Cavalry. | } 18th Sept. 1867. |
|------------------------------------------------------------------------------------------------------|--------------------|

No. 330 of 1869.—Cornet F. Barrow, of the 2nd Dragoon Guards, 2nd Squadron Subaltern, 1st Bengal Cavalry, admitted to the Bengal Staff Corps, in Government General Order No. 329 of this date, will rank as Lieutenant in that Corps under the operation of paragraph 84 of Government General Order No. 332 of 1861, with effect from the 18th September 1867, subject to Her Majesty's approval.

No. 331 of 1869.—Under instructions from the Right Hon'ble the Secretary of State for India, the admission to the Staff Corps of Lieutenant E. M. L. Marriott, of the General List, Infantry, notified in Government General Order No. 1003 of the 28th October 1868, is cancelled at that Officer's own request.

No. 332 of 1869.—The following temporary promotions are notified for general information:—

Staff Department.

Captain T. F. C. Rochfort, Doing duty Officer, officiated as Sub-Assistant from the 14th June to the 14th October 1868, during the absence on leave of Lieutenant Colonel W. B. Irwin.

Lieutenant B. H. Russell, Officiating Doing-duty Officer, officiated as Sub-Assistant from the 21st September to the 14th October 1868, during the absence on leave of Lieutenant Colonel H. Le P. Trench.

Captain J. H. T. Farquhar, Doing-duty Officer, to officiate as Sub-Assistant from the 10th February 1869, during the absence on leave to Europe of Lieutenant Colonel W. B. Irwin, or until further orders.

No. 333 of 1869.—The under-mentioned Warrant Officer is permitted to proceed to Europe on furlough on medical certificate:—

| | |
|--------------------------------------------------------------------------------------------|-------------------------------------------------|
| Conductor Joseph Deacon, Sub-Engineer, Department Public Works, Peshawur Division, Punjab. | } For two years, under the Regulations of 1868. |
|--------------------------------------------------------------------------------------------|-------------------------------------------------|

No. 334 of 1869.—The following extract from the *London Gazette* of the 9th February 1869, page 665, is published for general information:—

WAR OFFICE, 9th February 1869.

Brevet.

The under-mentioned promotions to take place in Her Majesty's Indian Military Forces, consequent on the death of Lieutenant General Thomas Macknight Cameron, Madras Infantry, on the 17th November 1868, Major General Sir Robert William Honner, K. C. B., Bombay Infantry, on the 8th November 1868, and Major General Sir Herbert Benjamin Edwardes, K. C. B., K. C. S. I., Bengal Infantry, on the 23rd December 1868:—

To be Lieutenant General.

Major General Hope Dick, Bengal Infantry. Dated 18th November 1868.

To be Major Generals.

Colonel William Frost Nuthall, Bengal Infantry. Dated 9th November 1868.

Colonel Michael Galwey, C. B., Madras Infantry. Dated 18th November 1868.

Colonel Albert Fytche, Bengal Staff Corps. Dated 24th December 1868.

The under-mentioned Officers who have retired upon full pay to have a step of honorary rank as follows:—

To be Colonel.

Lieutenant Colonel Henry Richard Shelton, Bengal Infantry. Dated 10th February 1869.

To be Lieutenant Colonels.

Major James Augustus Grant, C. B., C. S. I., Bengal Staff Corps. Dated 10th February 1869.

Major Charles Baily, Bengal Staff Corps. Dated 10th February 1869.

Major Frederick Tyrrell, Madras Staff Corps. Dated 10th February 1869.

To be Inspector General of Hospitals.

Deputy Inspector General of Hospitals George Schuyler Cardew, Bengal Establishment. Dated 10th February 1869.

No. 335 of 1869.—The following promotions are made, subject to Her Majesty's approval:—

BREVET.

| RANK, CORPS AND NAMES. | TO WHAT RANK PROMOTED. | FROM WHAT DATE. | IF SUCCESSORS TO |
|------------------------------------------------------------------|------------------------|-----------------|------------------------------------------------------------------------------------|
| Major John Francis Stafford, Bengal Staff Corps. | Lt. Col. | Nov. 9, 1868. | Major General Sir E. W. Hume, K. C. B., Bombay Infantry, deceased. |
| Captain Thomas Carnegie Anderson, Bengal Staff Corps (deceased). | Major... | " | " |
| Major Frederick Roome, Bombay Staff Corps. | Lt. Col. | Nov. 19, 1868. | Major General Sir M. Cameron, Madras Infantry, deceased. |
| Captain Ralph Bristow Dundas, Bengal Infantry. | Major... | " | " |
| Major William Gray, Bombay Staff Corps. | Lt. Col. | Dec. 24, 1868. | Major General Sir H. B. Edwards, K. C. B., K. C. S. I., Bengal Infantry, deceased. |
| Captain William James Morris, Madras Cavalry. | Major... | " | " |

No. 336 of 1869.—The following promotions and alterations of rank are made, subject to Her Majesty's approval:—

PROMOTIONS.

| CORPS. | RANK AND NAMES. | TO WHAT RANK PROMOTED. | FROM WHAT DATE. | IN WHOSE ROOM. |
|-------------------------|----------------------------------------------------------|------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------|
| Army ... | Major J. T. Bushby (Captain in Staff Corps). | Lieut. Col. | Dec. 16, 1868. | Lieut. Col. H. R. Shelton, retired. |
| of the late N. I. | Captain S. A. T. Judge (Staff Corps) ... | Major ... | | |
| ... | Lieut. H. C. Marsh (Staff Corps) ... | Captain ... | | |
| Army ... | Major J. Leven (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. (Captain in Staff Corps) J. T. Bushby, removed from the List of Regimental Lieut. Cols. |
| of the late N. I. | Captain (Major in Staff Corps) J. B. Cox. | Major ... | | |
| General List, Infantry. | Lieut. John Gregory ... | Captain ... | | |
| Army ... | Major J. F. Stafford (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Staff Corps) J. Leven, removed from the List of Regimental Lieut. Cols. |
| of the late N. I. | Captain (Major in Staff Corps) J. R. Currie. | Major ... | | |
| General List, Infantry. | Lieut. Henry Charles Greenaway ... | Captain ... | | |
| Army ... | Major (Captain in Staff Corps) the Hon'ble W. M. Fraser. | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Staff Corps) J. F. Stafford, removed from the List of Regimental Lieut. Cols. |
| of the late N. I. | Captain (Brevet Major) J. H. Jenkins (Staff Corps). | Major ... | | |
| ... | Lieut. William Stephen Alexander Lockhart. | Captain ... | | |
| Army ... | Major (Lieut. Col. in Staff Corps) W. J. Ward. | Lieut. Col. | Ditto ... | { Lieut. Col. (Captain in Staff Corps) the Hon'ble W. M. Fraser, removed from the List of Regimental Lieut. Cols. |
| of the late N. I. | Captain (Lieut. Col. in Staff Corps) C. Irvine. | Major ... | | |
| ... | Lieut. H. A. Plowden (Staff Corps) ... | Captain ... | | |
| Army ... | Major (Brevet Col.) H. W. Norman, c. b. (Staff Corps.) | Lieut. Col. | Ditto ... | { Lieut. Col. W. J. Ward (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| of the late N. I. | Captain (Major in Staff Corps) A. Ellis. | Major ... | | |
| General List, Infantry. | Lieut. John Edmund Waller ... | Captain ... | | |
| Army ... | Major Edward Samuel Jackson ... | Lieut. Col. | Ditto ... | { Lieut. Col. (Brevet Col.) H. W. Norman, c. b. (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| of the late N. I. | Captain Philip Sydney Yorke ... | Major ... | | |
| General List, Infantry. | Lieut. Edwin Metcalfe Leslie Marriott ... | Captain ... | | |
| ... | Lieut. George Edward Reade ... | Ditto ... | Dec. 31, 1868. | Captain F. H. Goold, late 47th N. I., removed from the service. |
| ... | Lieut. Henry Owen Cumberlege ... | Ditto ... | Jan. 21, 1869. | Captain T. Pearson, late 66th N. I., removed from the List of the Bengal Army. |

PROMOTIONS,—continued.

| CORPS. | RANK AND NAMES. | TO WHAT RANK PROMOTED. | FROM WHAT DATE. | IN WHOSE ROOM. |
|------------------------------|--------------------------------------------------------|------------------------|-----------------|---------------------------------------------------------------------------------------------------|
| Infantry ... | Major T. W. Holland (Staff Corps) ... | Lieut. Col. | Jan. 29, 1869. | { Lieut. Col. (Brevet Col.) D'E. W. Hall, deceased. |
| Cadre of the late 38th N. I. | Captain (Brevet Major) William Babington Peile. | Major ... | | |
| Ditto ... | Lieut. G. S. Hills (Staff Corps) ... | Captain ... | | |
| Infantry ... | Major J. S. Ogilvie (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Corps) T. W. Holland moved from the List of Regimental Lieut. Cols. |
| Cadre of the late 48th N. I. | Captain (Major in Staff Corps) G. C. Huxham. | Major ... | | |
| Ditto ... | Lieut. R. Atkins (Staff Corps) ... | Captain ... | | |
| Infantry ... | Major (Lieut. Col. in Staff Corps) F. H. Smith. | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Corps) J. S. Ogilvie, removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 34th N. I. | Captain (Lieut. Col. in Staff Corps) A. S. Allen. | Major ... | | |
| Ditto ... | Lieut. H. G. Waterfield (Staff Corps) | Captain ... | | |
| Infantry ... | Major (Lieut. Col. in Staff Corps) G. A. St. P. Fooks. | Lieut. Col. | Ditto ... | { Lieut. Col. F. H. Smith (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 59th N. I. | Captain (Major in Staff Corps) A. A. Munro. | Major ... | | |
| Ditto ... | Lieut. T. B. M. Glascock (Staff Corps) | Captain ... | | |
| Infantry ... | Major J. C. Wood (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. G. A. St. P. F. (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 30th N. I. | Captain (Major in Staff Corps) B. W. D. Morton. | Major ... | | |
| General List, Infantry. | Lieut. Henry Grimes ... | Captain ... | | |
| Infantry ... | Major (Captain in Staff Corps) C. T. Hitchins. | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Corps) J. C. Wood, removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 54th N. I. | Captain William Wroughton ... | Major ... | | |
| General List, Infantry. | Lieut. Herbert William Shoubridge ... | Captain ... | | |
| Infantry ... | Major (Lieut. Col. in Staff Corps) E. D. R. Ross. | Lieut. Col. | Ditto ... | { Lieut. Col. (Captain in Corps) C. T. Hitchins, removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 3rd E. R. | Captain (Major in Staff Corps) R. F. Webster. | Major ... | | |
| Ditto ... | Lieut. Edward Bell Cox ... | Captain ... | | |
| Infantry ... | Major D. Mocatta (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. E. D. R. Ross (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 26th N. I. | Captain (Lieut. Col. in Staff Corps) J. Baillie. | Major ... | | |
| Ditto ... | Lieut. (Captain in Staff Corps) T. H. Scott. | Captain ... | | |

PROMOTIONS,—continued.

| Corps. | RANK AND NAMES. | TO WHAT RANK PROMOTED. | FROM WHAT DATE. | IN WHOSE ROOM. |
|-------------------|-------------------------------------------------------------------|------------------------|-----------------|-------------------------------------------------------------------------------------------------------|
| ... | Major (Lieut. Col. in Staff Corps) H. King. | Lieut. Col. | Jan. 29, 1869. | { Lieut. Col. (Major in Staff Corps) D. Mocatta, removed from the List of Regimental Lieut. Cols. |
| of the late N. I. | Captain (Major in Staff Corps) G. Cavenagh. | Major ... | | |
| ... | Lieut. W. G. Maitland (Staff Corps) ... | Captain... | | |
| ... | Major H. A. Taylor (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. H. King (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| of the late N. I. | Captain (Major in Staff Corps) W. C. R. Mylne. | Major ... | | |
| List, In- | Lieut. Frederic Werge Simpson ... | Captain ... | | |
| ... | Major H. P. Babbage (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Staff Corps) H. A. Taylor, removed from the List of Regimental Lieut. Cols. |
| of the late N. I. | Captain (Major in Staff Corps) R. J. D. Ferris. | Major ... | | |
| ... | Lieut. Hugh Arthur Pakenham ... | Captain ... | | |
| ... | Major H. Mackenzie (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Staff Corps) H. P. Babbage, removed from the List of Regimental Lieut. Cols. |
| of the late N. I. | Captain (Major in Staff Corps) A. I. Shuldham. | Major ... | | |
| ... | Lieut. (Captain in Staff Corps) C. R. Cock. | Captain... | | |
| ... | Major G. H. Thompson (Staff Corps)... | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Staff Corps) H. Mackenzie, removed from the List of Regimental Lieut. Cols. |
| of the late E. B. | Captain (Major in Staff Corps) F. P. Bailey. | Major ... | | |
| ... | Lieut. M. C. Smith (Staff Corps) ... | Captain ... | | |
| ... | Major H. J. Hawes (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Staff Corps) G. H. Thompson, removed from the List of Regimental Lieut. Cols. |
| of the late E. B. | Captain (Brevet Lieut. Col.) C. H. Brownlow, C. B. (Staff Corps). | Major ... | | |
| ... | Lieut. (Captain in Staff Corps) W. Tweedie. | Captain... | | |
| ... | Major (Brevet Lieut. Col.) P. S. Lumsden (Staff Corps). | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Staff Corps) H. J. Hawes, removed from the List of Regimental Lieut. Cols. |
| of the late N. I. | Captain William Butler Shawe ... | Major ... | | |
| ... | Lieut. C. McNeile (Staff Corps) ... | Captain... | | |
| ... | Major (Brevet Lieut. Col.) H. R. Garden (Staff Corps.) | Lieut. Col. | Ditto ... | { Lieut. Col. P. S. Lumsden (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| of the late N. I. | Captain (Major in Staff Corps) J. K. Couper. | Major ... | | |
| ... | Lieut. W. S. Brooke (Staff Corps) ... | Captain... | | |

PROMOTIONS,—continued.

| CORPS. | RANK AND NAMES. | TO WHAT RANK PROMOTED. | FROM WHAT DATE. | IN WHOSE ROOM. |
|------------------------------|--------------------------------------------------------|------------------------|-----------------|----------------------------------------------------------------------------------------------------|
| Infantry ... | Major (Lieut. Col. in Staff Corps) C. F. Hicks. | Lieut. Col. | Jan. 29, 1869. | { Lieut. Col. H. R. Gardner (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 5th E. R. | Captain (Major in Staff Corps) J. J. Eckford. | Major ... | | |
| Ditto ... | Lieut. J. Finnis (Staff Corps) ... | Captain... | | |
| Infantry ... | Major (Lieut. Col. in Staff Corps) J. P. W. Campbell. | Lieut. Col. | Ditto ... | { Lieut. Col. C. F. Hicks (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 47th N. I. | Captain (Major in Staff Corps) Sir E. Leeds, Bart. | Major ... | | |
| Genl. List, Infy. | Lieut. Edward George Newnham ... | Captain... | | |
| Infantry ... | Major E. B. Clay (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. J. P. W. Campbell (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 66th N. I. | Captain (Major in Staff Corps) R. S. Graves. | Major ... | | |
| Genl. List, Infy. | Lieut. William Graham Smith ... | Captain... | | |
| Infantry ... | Major C. L. Brown (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Staff Corps) E. B. Clay, removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 46th N. I. | Captain (Major in Staff Corps) F. D. Ogilvie. | Major ... | | |
| Genl. List, Infy. | Lieut. David William Inglis ... | Captain... | | |
| Infantry ... | Major A. Francis (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Staff Corps) C. L. Brown, removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 68th N. I. | Captain (Major in Staff Corps) A. W. Montagu. | Major ... | | |
| Ditto ... | Lieut. J. H. Baldwin (Staff Corps) ... | Captain... | | |
| Infantry ... | Major T. Staples (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Staff Corps) A. Francis, removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 58th N. I. | Captain (Major in Staff Corps) F. J. Ellis. | Major ... | | |
| Ditto ... | Lieut. David Pringle ... | Captain... | | |
| Infantry ... | Major (Lieut. Col. in Staff Corps) H. S. Obbard. | Lieut. Col. | Ditto ... | { Lieut. Col. (Major in Staff Corps) T. Staples, removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 61st N. I. | Captain J. Gillespie (Staff Corps) ... | Major ... | | |
| Ditto ... | Lieut. A. D. Anderson (Staff Corps) ... | Captain... | | |
| Infantry ... | Major (Lieut. Col. in Staff Corps) F. W. Ripley. | Lieut. Col. | Ditto ... | { Lieut. Col. H. S. Obbard (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 22nd N. I. | Captain (Lieut. Col. in Staff Corps) C. S. Fowle. | Major ... | | |
| Ditto ... | Lieut. J. F. FitzG. Cologan (Staff Corps). | Captain... | | |
| Infantry ... | Major T. E. Webster (Staff Corps) ... | Lieut. Col. | Ditto ... | { Lieut. Col. F. W. Ripley (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 63rd N. I. | Captain (Lt Lieut. Col.) C. H. Palliser (Staff Corps). | Major ... | | |
| Ditto ... | Lieut. Henry Rowband ... | Captain... | | |

PROMOTIONS,—concluded.

| CORPS. | RANK AND NAMES. | TO WHAT RANK PROMOTED. | FROM WHAT DATE. | IN WHOSE ROOM. |
|---------------------------|------------------------------------------------------|------------------------|-----------------|------------------------------------------------------------------------------------------------------|
| Infantry ... | Major (Lieut. Col.) in Staff Corps) H. E. Iremonger. | Lieut. Col. | Jan. 29, 1869. | { Lieut. Col. (Major in Staff Corps) T. F. Webster, removed from the List of Regimental Lieut. Cols. |
| ... of the late ... N. I. | Captain (Major in Staff Corps) G. A. Brown. | Major ... | | |
| ... to ... | Lieut. F. N. M. Maynard (Staff Corps) | Captain ... | Ditto ... | { Lieut. Col. H. E. Iremonger (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Infantry, ... | Major Edward John Wild ... | Lieut. Col. | | |
| ... of the late ... N. I. | Captain H. Phillips (Staff Corps) ... | Major ... | | |
| ... List, Infy. | Lieut. Francis Tweddell ... | Captain ... | | |

ALTERATIONS OF RANK.

| CORPS. | RANK AND NAMES. | TO RANK FROM. | IN WHOSE ROOM. |
|---------------------------|----------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------|
| Infantry ... | Lieut. Col. Mowbray Thomson ... | Nov. 9, 1868 | { Lieut. Col. (Bt. Col.) W. F. Nuthall, promoted to Major General. |
| ... of the late ... N. I. | Major E. H. Paske (Staff Corps) ... | | |
| ... List, Infy.... | Captain Vincent William Tregear ... | | |
| Infantry ... | Lieut. Col. H. B. A. Poulton (Staff Corps) | Nov. 10, 1868 | { Lieut. Col. (Bt. Col.) J. C. Innes, promoted. |
| ... of the late ... N. I. | Major R. Davidson (Staff Corps) ... | | |
| ... to ... | Captain William Duncan Macturk ... | Ditto ... | { Lieut. Col. H. B. A. Poulton (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Infantry ... | Lieut. Col. (Captain in Staff Corps) R. A. Nowell. | | |
| ... of the late ... N. I. | Major Robert Blair ... | | |
| ... List, Infy.... | Captain J. Hay (Staff Corps) ... | Ditto ... | { Lieut. Col. (Captain in Staff Corps) R. A. Nowell, removed from the List of Regimental Lieut. Cols. |
| Infantry ... | Lieut. Col. E. N. Perkins (Staff Corps) ... | | |
| ... of the late ... N. I. | Major S. C. D. Ryder (Staff Corps) ... | | |
| ... to ... | Captain L. C. de L. Daniell (Staff Corps) ... | Ditto ... | { Lieut. Col. E. N. Perkins (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Infantry ... | Lieut. Col. (Major in Staff Corps) S. Black | | |
| ... of the late ... N. I. | Major P. Maxwell (Staff Corps) ... | | |
| ... to ... | Captain J. W. A. Michell (Staff Corps) ... | Ditto ... | { Lieut. Col. (Major in Staff Corps) S. Black, removed from the List of Regimental Lieut. Cols. |
| Infantry ... | Lieut. Col. J. E. Cracroft (Staff Corps) ... | | |
| ... of the late ... N. I. | Major J. I. Willes (Staff Corps) ... | | |
| ... to ... | Captain F. R. A. B. Constable (Staff Corps) | | |

ALTERATIONS OF RANK,—continued.

| CORPS. | RANK AND NAMES. | TO RANK FROM. | IN WHOSE ROOM. |
|------------------------------|---------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------|
| Infantry ... | Lieut. Col C. L. Montgomery (Staff Corps) | Nov. 10, 1868 | { Lieut. Col. J. E. Cracroft (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 65th N. I. | Major A. Combe (Staff Corps) ... | | |
| Ditto ... | Captain R. M. B. Thomas (Staff Corps) ... | | |
| Infantry ... | Lieut. Col. C. H. Byers (Staff Corps) ... | Ditto ... | { Lieut. Col. C. L. Montgomery (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 70th N. I. | Major (Lieut. Col. in Staff Corps) C. Murray | | |
| Genl. List, Infy.... | Captain Arthur Fitzgerald ... | | |
| Infantry ... | Lieut. Col. (Major in Staff Corps) C. C. Johnson. | Ditto ... | { Lieut. Col. C. H. Byers (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 33rd N. I. | Major (Lieut. Col. in Staff Corps) G. B. Malleson. | | |
| Ditto ... | Captain C. F. Battye (Staff Corps) ... | | |
| Infantry ... | Lieut. Col. (Captain in Staff Corps) H. P. W. Wynch. | Ditto ... | { Lieut. Col. (Major in Staff Corps) C. C. Johnson, removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 59th N. I. | Major (Captain in Staff Corps) J. Angelo ... | | |
| Genl. List, Infy.... | Captain Herbert Seymour Marshall ... | | |
| Infantry ... | Lieut. Col. E. Smyth (Staff Corps) ... | Ditto ... | { Lieut. Col. (Captain in Staff Corps) H. P. W. Wynch, removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 13th N. I. | Major (Lieut. Col. in Staff Corps) A. R. E. Hutchinson. | | |
| Ditto ... | Captain A. S. Thain (Staff Corps) ... | | |
| Infantry ... | Lieut. Col. (Captain in Staff Corps) A. A. Currie. | Ditto ... | { Lieut. Col. E. Smyth (Staff Corps), removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 45th N. I. | Major (Captain in Staff Corps) J. W. Hoggan. | | |
| Ditto ... | Captain E. Swetenham (Staff Corps) ... | | |
| Infantry ... | Lieut. Col. (Major in Staff Corps) J. C. Millar. | Ditto ... | { Lieut. Col. (Captain in Staff Corps) A. A. Currie, removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 29th N. I. | Major J. B. Smyly (Staff Corps) ... | | |
| Genl. List, Infy.... | Captain Edmund Denman Smith ... | | |
| Infantry ... | Lieut. Col. (Major in Staff Corps) G. J. D. Hay. | Ditto ... | { Lieut. Col. (Major in Staff Corps) J. C. Millar, removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 57th N. I. | Major C. Shaw (Staff Corps) ... | | |
| Ditto ... | Captain Henry Campbell Garden ... | | |
| Infantry ... | Lieut. Col. Charles Phayre Hildebrand ... | Ditto ... | { Lieut. Col. (Major in Staff Corps) G. J. D. Hay, removed from the List of Regimental Lieut. Cols. |
| Cadre of the late 10th N. I. | Major Horace Albert Browne ... | | |
| Ditto ... | Captain J. FitzGerald (Staff Corps) ... | | |
| Genl. List, Infy.... | Captain J. S. Tait (Staff Corps) ... | Ditto ... | Captain (Bt. Major) F. B. Sitwell (Staff Corps), resumed |

No. 337 of 1869.—The promotion of Major John Forbes Campbell, Staff Corps, to the rank of substantive Lieutenant Colonel from the 25th February 1869, published in Government General Order No. 231 of 1869, is cancelled, it having been ascertained that that Officer died on the 30th January 1869.

No. 338 of 1869.—Supernumerary Surgeon B. Kendall, of the Medical Department, is brought on the Establishment of Surgeons to fill an existing vacancy.

No. 339 of 1869.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Captain (Brevet Major) Hugh Henry Gough, c. b., v. c., of the Bengal Staff Corps, Commandant, 12th Bengal Cavalry. { For six months, under the Regulations of 1868, embarking at Bombay.

No. 340 of 1869.—The under-mentioned Officers have reported their return from England:—

Lieutenant K. C. Pye, of the Royal Engineers, Deputy Consulting Engineer, Railway Department, Bengal. { Date of arrival at Fort William. 7th January 1869.

Lieutenant A. Vallings, of the Bengal Staff Corps, Adjutant, 1st Punjab Infantry. { Date of arrival at Bombay. 21st February 1869.

Major J. T. Norgate, of the Bengal Staff Corps, Cantonment Magistrate, Sealkote. { 8th March 1869.
Assistant Surgeon G. Grant, M. B., of the Medical Department.

Captain B. E. Reade, of the late 67th Regiment Native Infantry. { Date of arrival at Fort William. 15th Mar. 1869.

No. 341 of 1869.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Assistant Surgeon David John Walsh, of the Medical Department. { For eighteen months, under the Regulations of 1868.

No. 342 of 1869.—The following temporary promotions and appointment are made in the Commissioned Grades of the Ordnance Department, with effect from the 19th February 1869, consequent on the departure to Europe on furlough on private affairs of Captain Edward Tierney, Royal Artillery, Officiating 1st Class Commissary of Ordnance:—

2nd Captain A. Walker, Royal Artillery, 2nd Class Commissary of Ordnance, to officiate as 1st Class Commissary of Ordnance.

Lieutenant G. Lamb, 3rd Class Commissary of Ordnance, to officiate as 2nd Class Commissary of Ordnance, *vice* Captain Walker.

Lieutenant H. F. Smyth, Royal Artillery, whose officiating appointment as 3rd Class Commissary of Ordnance ceased on the return from furlough of Lieutenant R. F. Lewis, will continue to officiate as 3rd Class Commissary of Ordnance, *vice* Lieutenant G. Lamb.

No. 343 of 1869.—The under-mentioned Officer is allowed furlough to Europe (medical certificate):—

Lieutenant Colonel John Seymour Dunbar, of the Bengal Staff Corps, Sub-Assistant Commissary General, 1st Class. { For two years, under the Regulations of 1868.

No. 344 of 1869.—The under-mentioned Warrant Officer is allowed furlough to Europe (medical certificate):—

Sub-Conductor John Keane, Sub-Engineer, Public Works Department. { For two years, under the Regulations of 1868.

No. 345 of 1869.—The following Regimental Order issued to the Calcutta Volunteer Rifle Corps is confirmed:—

Dated 17th March 1869.—Permitting Quarter Master J. G. Bowerman to resign his appointment in the Corps consequent on his proceeding to England, and appointing Pay Sergeant James Dods to be Quarter Master in room of Bowerman.

No. 346 of 1869.—His Excellency the Governor General in Council is pleased to make the following appointments:—

PUNJAB FRONTIER FORCE.

3rd Sikh Infantry.

Lieutenant W. C. Ramsden, 2nd Wing Subaltern, 4th Sikh Infantry, to officiate as Quarter Master during the absence on leave to Europe of Lieutenant W. B. Aislabie, or until further orders.

Corps of Guides.

Lieutenant Colonel C. P. Keyes, c. b., Commandant, 1st Punjab Infantry, to officiate as Commandant during the period Colonel S. J. Browne, c. b., v. c., may officiate as Commandant of the Central India Horse, or until further orders.

H. W. NORMAN, Colonel,
Secy. to the Govt. of India.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 22nd December 1868.

From the 1st of February 1869, all messages received into a Telegraph Office for despatch, must be stamped to the full value for all demands.

2. Telegraph Stamps will be procurable at all Stamps procurable at Telegraph Offices and Civil Treasuries. Telegraph Stations in any quantities, and at Civil Treasuries in quantities of the value of not less than Rs. 5 of labels at one time, provided that the quantity sold shall not include less than one Rupee worth of any particular value of Stamps.

3. Telegrams can be sent from Out-stations by post, but they must be enclosed in registered covers. At Stations where Telegraph Stamps are not procurable, they may be paid for by Postage Stamps at the rate of 17 annas to the Rupee. In such cases, the Post Office registration receipt will take the place of the ordinary Telegraph receipt. If any telegram be received insufficiently stamped, it will be returned bearing to the sender.

4. Telegraph Stamps are double headed, the object being that the upper half shall be returned on the receipt (whereby the sender receives a guarantee that his message has not been suppressed for the sake of the money), and the lower half shall be affixed to the message as voucher to Government that it has been pre-paid.

5. Proper forms on which to write telegrams are available at all Telegraph Stations gratis for messages written at the Office, or for sale at the following rates:—

| | Rs. | A. | P. |
|-------------|-----|----|----|
| Per 100 ... | 1 | 2 | 0 |
| " 50 ... | 0 | 10 | 0 |
| " 25 ... | 0 | 6 | 0 |
| " 12 ... | 0 | 3 | 0 |

These forms will also shortly be obtainable at the same rates at all Treasuries.

6. The senders of telegrams must be careful to affix their Stamps on the spaces left blank for the purpose on the message forms, the upper half on the receipt, the lower half on the message, and to see that the Stamps are defaced with the Office Stamp which carries the name of the Office and date.

7. Telegraph Stamps cut in two, before being sent into a Telegraph Office, will not be accepted.

8. For rates of charge, see Notification on revised Tariff of the 20th September 1868.

9. Skeleton Maps of India showing the Telegraph Lines and Stations are procurable at most Telegraph Offices at eight annas each.

The Ceylon charge on a message of 20 words to or from India will in future be one rupee. Thus, a message of 10 words between any station in Ceylon and any station in India (except those east of Calcutta), will be two rupees, a message of 20 words will be three rupees, a message of 30 words will be five rupees, and so on.

A charge of one rupee in addition to the above will be made for a message of 20 words to or from any station east of Calcutta.

The above cancels paragraph 9 of the Telegraph Notification, dated Simla, the 20th September 1868, published in the *Gazette of India* of the 20th idem.

D. G. ROBINSON, Colonel, R.E.,
Dir. Genl. of Tels. in India.

POST OFFICE.

NOTIFICATION.

Calcutta, the 18th March 1869.

No. 311.

The next Overland Mail *via* Bombay will close on Tuesday, the 23rd March 1869.

2. Book post and pattern packets must be posted on the 22nd.

3. There will be no Express.

N.B.—The Letter Box will close at 5 p.m. precisely, after which time Overland letters fully pre-paid, and bearing extra postage stamp of 4 annas on each cover, will be received up to 8-30 p.m., or bearing an extra postage stamp of four annas on each cover up to 7 p.m., and after up to 8-30 p.m. by a Post Office Clerk at the East Indian Railway Station, Armenian Ghât.

W. H. MCGOWAN,
Post Master of Calcutta.

The 15th March 1869.

LIST of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during the week ending 18th March 1869.

| | |
|-------------------------------|--------------------------|
| AVIET, C. | DRYDEN, MR. |
| Auchien, Vong and Co. | D'Cruze, Mrs. A. |
| Adams, Miss H. | D'Oyly, W. H. |
| Ashootose Bose. | Doris, C. R. |
| Alexander, Mrs. | Daulton, Mrs. M. |
| Arbuckle, Capt. E. R. V. | Dalzel, R. M. |
| | Druce, P. |
| BROWN, Mrs. R. | Doris, Mrs. J. |
| Barbor, G. N. | D'Souza, M. C. |
| Butler, A. | Dozey, C. |
| Bennett, J. | D'Miller, W. |
| Banbury, R. J. | D'Cruze, Mrs. G. |
| Burn, Mrs. | Drummond, P. |
| Boys, Mrs. | Drummond, E. |
| Berne, Capt. A. C. | D'Silva, W. |
| Browne, Mrs. H. | Davies, E. |
| Briscoe, Mr. | Dwarka Nath Dutt. |
| Barlow, J. N. | Deabuk, Miss. |
| Bloom, Mrs. E. | D'Costa, Mrs. L. |
| Bhurut Chunder Roy. | Day, Capt. G. |
| Berle, A. C. | D'Cruz, Mrs. G. |
| Brown, J. | |
| Banee Madhub Banerjee. | FRANCIS, MR. |
| Barron, F. | Fleming, Mrs. E. |
| Bennett, W. | Francis, M. |
| Berrick, L. | Freeman, Mrs. G. |
| Blossom, Jerry. | Forbes, Mr. H. U. |
| Birch, J. | |
| Butcher, Mr. | GOPAL BABOO. |
| Black, Mrs. | Grossman, Miss A. |
| Beathie, A. | Gobind Chunder Bose. |
| | Grant, Mrs. |
| CAREY, J. S. | Garrett, Mrs. L. |
| Connell, Mrs. | Green, J. |
| Conroy, Mrs. | Grills, G. M. |
| Caya Prella Aba Marcal. | Grigg, Lieut. E. E. |
| Commissioner, 24-Pergunnahs. | Graviere, Goffredo. |
| Crouch, C. P. | Gorman, B. |
| Cole, A. | Gopal Chunder Mookerjee. |
| Cassedy, J. J. | Gunga Churn Banerjee. |
| Chance, Thompson and Co. | Gordon, Miss D. |
| Clarke, Mrs. | Gibson, H. W. |
| Calachand Mitter. | Griggs, P. S. |
| Calvert, Mrs. | |
| Crawford, E. T. | HAUTLEY, G. |
| Clare, T. A. | Harvey, Miss E. |
| Cowan, R. | Hall, F. T. |
| Clensten, H. E. | Hanson, Mrs. E. M. |
| Campbell, D. A. (103rd Regt.) | Hurry Dhary Roy. |

McL. G. F.
 Harvey, W.
 Mulhady, F.
 Harrington, Mrs.
 Harris, Mrs. S.
 Houston, G. W.
 Hardy, E. H.
 Haron, R.
 Hough, Capt. H.

Wether, E.
 Hakim, C.
 Hoo Hawkim.
 Jackson, N.
 Johnson, Mrs. M. S.
 Jones, F.

REYMOND, J.
 Kennedy, S. E.
 King, Mrs. J.
 Manning, Mrs. G.
 Nally Kanto Chatterjee.

ALLIE, J. E. S.
 Lanza, J. W.
 Lewis, Mrs. V.
 Lord, Mrs. G. T.
 Lord, Colonel.
 Lovell, Mr.
 Love, P. G.
 Lendale, Mrs. W. S.
 Loshan, J. E.
 Louch, C. P.

McDOVELL, E.
 Mancel, G. C.
 Mero, Mrs. C.
 McGuire, C. S.
 Martin, Mr.
 Mathendro Nauth Bose.
 Mercer, H. G.
 McCulloch, D.
 Melae, J. H.

Montfort, Mrs.
 McDonald, Revd. K. S.
 Moolchudon Dutt.
 Mookwood, Capt. G.
 McNair, Capt. E. J.
 Moon Mock, A. M.
 Morrow, R. T.
 McLeenen, D.
 Mitchell, D.
 Mueben, H.
 Murry, Mrs. H.
 Marks, Mrs.
 McDonald, Mrs.
 McCarthy, Overseer, Ser-
 geant E.

NEWMAN, Mr. J.
 Ober, H.
 Ocho Kisto Ghose.
 Omonoy Mookerjee.

McONNOR, L. H.
 O'Brien, W. P.
 O'Brien, Miss H.
 Owens, J.

PRINGLE, Mrs. J. R.
 Peppe, J. F.
 Pollock, A.
 Pereira, Mrs. C.
 Pereira, F.
 Peters, S.
 Poonney Lall.
 Payne, Mrs.

QUINIT, Lt.

REYINGTON, C.
 Ravenscroft, F.
 Rayner, C.
 Riss, Mrs.
 Rayner, Miss.
 Ricketts, H.
 Robertson, C.
 Rajnarain Doss.
 Raja Eya Nagur Goney.
 Ruble, Miss G.
 Reily, H. M.
 Rakhai Churn Haldar.
 Robertson, J.
 Revington, C.
 Rayner, G.
 Ryan, L.
 Read, W.

SOADY, Mrs.
 Shireore, S. A.
 Salmon, Mr.
 Sexton, Dr.
 Schinner, L.
 Secretary, Lodge Humility.
 Sutherland, D.
 Scott, Mrs. E. A.
 Smith, E.
 Swaries, Miss A.
 Smith, Mrs. Capt.
 Smallie and Co.

THOMPSON, Mrs. H.
 Tezseroo, C.
 Thomas, R. G.
 Thompson, W. W.
 Tarrachand Gunsamdoss.

URAGE, W. E.

WROUGHTON, L. A.
 Warner, C. W. P.
 Wilson, W. H.
 Ware, J.
 Wilner.
 Woods, Miss O.
 Waites, E. M.
 Waites, A. M.
 White, Major M. J.
 Wallace, F.
 Wilkinson, J.
 Wright, G.
 Watson, N. K.
 Wilson, A.
 Williams, B.
 Wynne, W. R. M.
 Webb, Mr.

W. H. MCGOWAN,
 Post Master of Calcutta.

CURRENCY NOTES.

Extract from Financial Department Notification,
 No. 1004 A, dated Simla, 30th July 1866.

Para. 9.—“The person making the statement respecting
 lost or destroyed Note, or portion of Note, will be required
 to advertise its loss (free of charge) thrice at least in the
 Official Gazette of the Presidency or place where or within
 which the Note is payable, and once in the Gazette of
 India.”

Lost.

Left half of the following Currency Note—inti-
 mation of loss given to the Currency Office, Alla-
 habad:—

No. ^A₃₃73853 for Rs. 50.

E. FISHBOURNE.

The following Currency Note—intimation of
 loss given to the Currency Office, Allahabad:—

No. ^A₃₃02451 for Rs. 50.

PROSUNNO CHUNDER CHOWDRY.

In transit by Post the following Currency Notes
 of the Allahabad Circle:—

No. ^A₃₁57853 for Rs. 10.

” ^A₃₁57854 ” 10.

MAHADAO PURSHAD KATHI.

Half of the following Currency Note—inti-
 mation of loss given to the Currency Office, Alla-
 habad:—

No. ^A₃₆10296 for Rs. 20.

PAYNE & Co.

In transit between Roorkee and Cawnpore left
 half of the following Currency Notes of the Alla-
 habad Circle:—

No. ^A₁₈22579 for Rs. 10.

” ^A₁₈17521 ” 10.

W. R. JONES.

The following Currency Note:—

No. ^A₃₁52704 for Rs. 1,000.

TROYLOCKHO NAUTH BOSE.

In transit between Nagpore and Khayer first
 half of the following Currency Notes:—

No. ^A₁₄02368 for Rs. 50.*

” ^A₃₆38752 ” 20.†

F. D. GOMEZ.

* Allahabad Circle.

† Lahore Circle.

The following Currency Note—intimation of
 loss given to the Currency Office, Calcutta:—

No. ^A₃₁51164 for Rs. 1,000.

SHIB CHUNDER KURMOKAR.

In transit from Nagpore to Jamalpore half of
 the following Currency Note—intimation of loss
 given to the Currency Office, Allahabad:—

No. ^A₃₃72002 for Rs. 50.

JOHN ANDERSON.

In transit half of the following Currency Notes of
 the Nagpore Circle:—

No. ^A₁₇72535 for Rs. 10.

” ^A₁₇72536 ” 10.

” ^A₁₇72537 ” 10.

D. S. DeLIMA.

Half of the following Currency Notes—intima-
 tion of loss given to the Currency Office, Allaha-
 bad:—

No. ^A₃₃94713 for Rs. 20.

” ^A₃₃99177 ” 20.

TRIGOONA CHURN BOSH.

In transit right half of the following Currency Note:—

No. ^A₅₅ 83106 for Rs. 50.
C. BEDFORD.

The following Currency Notes—intimation of loss given to the Currency Office, Allahabad:—

No. ^A₅₅ 91173 for Rs. 20.
" ^A₅₅ 91176 " 20.
A. WILSON.

The following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. ^A₁₈ 02641 for Rs. 10.
WOOMA SHUNKER DOBEY.

Half of the following Currency Notes:—

No. ^A₅ 4319 for Rs. 10.
" ^A₁₇ 78202 " 10.
PROSONO COOMAR BANERJEE.

Half of the following Currency Notes:—

No. ^A₅₅ 46256 for Rs. 100.
" ^A₅₅ 46257 " 100.
" ^A₅₅ 97234 " 20.
" ^A₅₄ 22379 " 20.
PITUMBER SHAW.

Lost or Stolen.

Half of the following Currency Note—intimation of loss given to the Currency Office, Lahore:—

No. ^A₁₈ 47720 for Rs. 10.
WYMAN BROTHERS.

Mutilated.

The following Currency Notes—intimation given to the Currency Office, Allahabad:—

No. ^A₅₅ 59532 for Rs. 10.
" ^A₅₅ 65253 " 50.
" ^A₅₅ 65255 " 50.
R. A. STERNDALÉ.

The following Currency Note:—

No. ^A₁₉ 09721 for Rs. 10.
SEWSONOY DOBEY.

Destroyed.

The following Currency Notes—intimation given to the Currency Office, Allahabad:—

No. ^A₅₅ 65254 for Rs. 50.
" ^A₅₅ 65256 " 50.
" ^A₅₅ 65257 " 50.
R. A. STERNDALÉ.

Destroyed by Fire.

The following Currency Note—intimation of destruction given to the Currency Office, Calcutta:—

No. ^A₅₄ 18937 for Rs. 20.
" ^A₅₄ 18938 " 20.

RAMJIBUN MOOKERJEE.

Wrongly Joined.

Application has been made for payment of the following Currency Note with different numbers:—

1st half No. ^A₅₄ 65669 for Rs. 20.
2nd " ^A₅₄ 65668 " 20.

Any person possessing the corresponding halves should communicate with the Assistant Commissioner of Paper Currency, Allahabad.

JOHN VALLALLI.

Received in the course of business the following Currency Note of which the two halves bear different numbers:—

1st half No. ^A₅₄ 69243 } one Note for Rs. 20.
2nd " ^A₅₄ 69343 }

W. L. MACKENZIE.

Received in the course of business the following Currency Note of which the two halves bear different numbers:—

1st half No. ^A₅₄ 47074 } one Note for Rs. 100.
2nd " ^A₅₄ 50593 }

W. CHIL.

PROMISSORY NOTES.

Lost or Stolen.

In the month of Assin last, 1 B. S. 1275, a Government Promissory Note, No. 004911 of 1868 for Rs. 1,000. Renewed on the 13th July 1868, the payment of interest has been stopped at the Bank of Bengal.

RADHA KRISTO BHUTTACHARJEE.

Station Banghant, Dingsheeparrak,
Pergunnah Cheroolech,
Zillah Jessore.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

| DATE. | SILVER TENDERED, ESTIMATED VALUE. | CERTIFICATES ISSUED FOR | BALANCE OF BULLION. | | |
|-----------------|--------------------------------------------|----------------------------|---------------------|----------|---------------------------------------------------|
| | | | Under Assay. | Assayed. | Hold on account of the Currency Department. |
| | Rs. | Rs. | Rs. | Rs. | Rs. |
| March 8th, 1869 | 7,80,381 | 4,765 | 11,36,915 | 3,68,516 | 95,61,717 |
| " 9th, " | 2,90,212 | | 13,67,468 | 2,29,372 | 87,61,717 |
| " 10th, " | 8,325 | | 14,30,366 | 2,29,768 | 87,61,717 |
| " 11th, " | 39,319 | 1,40,589 | 12,73,174 | 1,61,815 | 89,61,717 |
| " 12th, " | | 2,18,837 | 10,44,029 | 3,77,678 | 89,61,717 |
| " 13th, " | 1,552 | 1,69,164 | 9,08,482 | 5,01,435 | 75,11,717 |

CALCUTTA MINT,
The 15th March 1869.

H. HYDE, Lieut. Colonel,
Mint Master.

ADVERTISEMENT.

BENGAL CIVIL FUND.

At a Special General Meeting of Subscribers to the Bengal Civil Fund, held at the Town Hall on Monday, the 15th March 1869.

Present:

H. D. SANDEMAN, Esq.
H. L. DAMPIER, "
E. F. HARRISON, "
J. A. CRAWFORD, "
T. BRUCE LANE, "
L. R. TOTTENHAM, "
H. BELL, "

F. B. PEACOCK, Esq.
A. SMITH, "
J. GEOGHEGAN, "
H. L. HARRISON, " B. A.
A. MACKENZIE, " B. A.
W. M. SOUTTAR, "

J. A. CRAWFORD, Esq., in the Chair.

The Secretary read the notice calling the Meeting, and the proposals of the Managers referred to in that notice.

The Secretary also read sundry communications from subscribers in England and also a letter to the Chairman of the Meeting containing a protest by Mr. J. I. Harvey against the Managers' proposals.

The Secretary intimated that the following proposals, in addition to those already referred, had been submitted to the Actuary on Mr. R. B. Chapman's suggestion:—

"That some additional benefits be provided for children left absolute orphans by the death of their mother as well as father; that children in the above circumstance should be allowed fifty per cent. more than those whose mothers are alive, up to the age of 18 years, or, if that be thought too much, that their allowance be raised as above, with the proviso that the allowance of any one child should never exceed £120.

"That the allowance drawn by a boy should not cease during his life-time in case of his being wholly incapacitated mentally or physically from earning his living"

1. Moved by Mr. Smith and seconded by Mr. Peacock: "That subject to the result of the reference to the Actuary, the present rates of subscription, ordinary and additional, be maintained for the period of 1868-73."

Carried.

2. Moved by Mr. Geoghegan and seconded by Mr. Tottenham: "That subject to the result of the reference to the Actuary, annuitant subscribers be permitted to compound for their existing liabilities at one-tenth of present rates."

Carried.

3. Moved by Mr. Sandeman and seconded by Mr. Tottenham: "That subject to the result of the reference to the Actuary, to annuitants who have already compounded, a refund be made of nine-tenths of the amount which they would have to pay if they compounded now at present rates."

Carried.

4. Moved by Mr. Bell and seconded by Mr. Peacock: "That subject to the result of the reference to the Actuary, the marriage portion of daughters be raised to £500.

Carried.

5. Moved by Mr. Smith and seconded by Mr. H. L. Harrison: "That subject to the result of the reference to the Actuary to each son of a deceased subscriber, there be given a sum of £500 on his attaining the age of 21 years, and that the Managers be empowered to pay this sum at any time between the ages of 16 and 21, on being satisfied that the recipient has been settled in any profession or employment; the amount of his annuity up to the end of his 21st year being at the same time paid in advance, and all further claim on the fund ceasing."

Carried.

6. Moved by Mr. Peacock and seconded by Mr. Geoghegan: "That the Managers' proceedings in referring the above proposals, together with the valuation papers, to an Actuary, be confirmed."

Carried.

7. Moved by Mr. Dampier and seconded by Mr. Bell: "That it be understood that the above resolutions 4 and 5 have been adopted subject to the opinion of the Actuary, and that in the event of his reporting that the assets will not admit of the advantages set forth in those two resolutions being given, as well as certain other benefits which have been referred to him on Mr. R. B. Chapman's proposition, then the Managers shall take the sense of the subscribers as to which of the said benefits shall be selected for adoption."

Carried.

One hundred and nineteen proxy votes on the above questions from annuitants and subscribers in England were submitted at the meeting.

A vote of thanks was passed to the Chairman.

BENGAL CIVIL FUND, }

The 15th March 1869. }

J. A. CRAWFORD,

Chairman.

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th March 1869, and is hereby promulgated for general information:—

ACT No. VII of 1869.

An Act to give validity to certain Rules relating to Forests in British Burma.

WHEREAS certain Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August 1865, were framed under Act No. VII of 1865 (to give effect to Rules for the management and preservation of Government Forests), and were confirmed by the Governor General of India in Council and published in the *Gazette of India* dated the twelfth day of August 1865; and whereas certain of the said Rules relate to timber not the produce of such forests, and it is expedient to validate such Rules and to indemnify the officers and other persons who have acted under them; It is hereby enacted as follows:—

I. The Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August 1865, shall, from such day down to the passing of this Act, be deemed to have had the force of law as regards all timber to which they purport to relate, and shall continue in force until the said Governor General in Council shall otherwise order.

2. All officers and other persons are hereby indemnified of before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th March 1869, and is hereby promulgated for general information:—

ACT No. VIII of 1869.

An Act further to amend the Code of Criminal Procedure.

Whereas it is expedient further to amend the Code of Criminal Procedure; It is hereby enacted as follows:—

I. This Act may be called "The Code of Criminal Procedure Amendment Act, 1869;" it shall be read with and taken as part of Act No. XXV of 1861, and it shall come into operation on the 1st day of June 1869.

II. The following Acts are hereby repealed (that is to say)—Act No. XXV of 1861 (the Code of Criminal Procedure) sections 187, 386 and 420, Act No. XXXIII of 1861 (to amend the Schedule annexed to the Code of Criminal Procedure), Act No. XV of 1862 (to amend the Code of Criminal Procedure) and Act No. VIII of 1866 (further to amend the Schedule to the Code of Criminal Procedure).

The schedule annexed to the said Code is hereby repealed, and the schedule annexed to this Act shall be read in lieu thereof.

III. The following sections of the Code of Criminal Procedure, namely, sections 26, 27, 28, 29, 30, 31 and 33, shall be read as if the words "or division of a district," and the words "or divisions of a district" and the words "or of two or more divisions of a district" were omitted therefrom.

IV. The said Code shall be read as if such of the following sections as are distinguished by numbers and letters were respectively inserted next after the sections of the said Code distinguished by those numbers.

Of the following sections, those distinguished by numbers only shall be substituted for the corresponding sections in the same Code, which are hereby repealed;

23 A. With the sanction of the Governor General in Council, the Local Government may delegate its power of appointing Magistrates, with such limitations as it may think proper, to any officer under its control the power conferred by section 23.

23 B. When, in consequence of the office of the Magistrate of a District becoming vacant, any officer succeeds temporarily to the chief executive administration of the District in criminal matters, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties of the Magistrate of the District.

23 C. The Local Government may, by notification in the official Gazette, prescribe the local jurisdiction of a Magistrate of the District, as defined by section 14, and may by such notification from time to time alter such jurisdiction.

23 D. The Local Government may invest any Magistrate with the local jurisdiction in a particular part of a District declared by section 18 to be deemed a division of a District, and may from time to time alter the limits of such local jurisdiction.

23 E. Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act in any District, is transferred to an equal or higher office of the same nature within another District, he shall, unless the Local Government shall otherwise direct, continue to exercise the same powers in the District to which he is so transferred.

23 F. The Local Government may vary or cancel any powers with which any person may have been invested under this Act.

23 G. Except as otherwise provided in this Act or by any other law, for the time being in force, all Magistrates and Subordinate Magistrates shall be subordinate to the Magistrate of the District in which they exercise jurisdiction.

23 H. The Local Government may, with such limitations as it may think proper, invest any Magistrate in charge of a division of a District or any officer exercising the full powers of a Magistrate, with the authority conferred on the Magistrate of the District by sections 35, 66, 132, 308, 316, 318.

31 A. If any person be charged under section 368 of the Indian Penal Code, with the offence of wrongfully concealing or keeping in confinement a person who has been kidnapped or abducted, such offence may be enquired into or determined in any District in which the concealment or confinement has taken place, or in any District in which the kidnapping or abduction may be enquired into or determined.

36. The Magistrate of the District, or a Magistrate in charge of a division of a District, may respectively withdraw any criminal case from any Court subordinate to him, and may enquire into or try the case himself, or refer it for enquiry or trial to any other such Court competent to enquire into or try the same.

40 A. No Subordinate Magistrate who is not a Justice of the Peace shall exercise the authority conferred by section 40, unless he is empowered under section 38.

44. Whenever a Criminal Court imposes a fine, the Court may order the whole or any part of the fine to be paid in compensation,

(1). for expenses properly incurred in the prosecution,

(2). for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

If the fine be awarded by a Court whose decision is subject to revision, the amount awarded shall not be paid until a period of two months shall have elapsed from the date of the award.

49 A. The power conferred on the Local Government by section 49 may be exercised, under the orders and subject to the control of Government, by the Inspector General of Jails.

61. Whenever an offender is sentenced to pay a fine, the Court which sentences him, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment, may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender. Such warrant may be executed within the jurisdiction of the Court that issued it, and it shall authorise the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court when endorsed by the Magistrate of the District in which such property is situated.

66 A. The Local Government may, by notification in the official Gazette, define what Magistrates or Subordinate Magistrates shall entertain cases either on complaint preferred directly to themselves or on the report of a Police officer, and such Magistrates or Subordinate Magistrates shall be competent to entertain such cases, if the offence charged is triable by them or if they shall have been empowered under section 38.

66 B. The Magistrate of the District may, subject to the orders of the Local Government, empower any Magistrate or Subordinate Magistrate in his District to entertain cases either on complaint preferred directly to themselves or on the report of a Police officer.

70. A summons shall ordinarily be issued through a Police officer; but the Magistrate issuing the summons may, if he see fit, direct it to be served by any other person.

75. The provisions relating to a summons and its service and issue contained in this chapter, shall be applicable to every summons issued under this Act, except summonses to serve as a juror or assessor:

Provided that, when the person summoned is in the service of Government or of any Railway Company, the Court or Magistrate issuing the summons may send the summons to the head of the Office in which the person summoned is employed, and such head shall thereupon cause the summons to be served on the person named therein.

77. A warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing a warrant may, if he see fit, direct it to any other person.

86. A Magistrate issuing a warrant for the arrest of a person out of his jurisdiction, may direct the warrant to any Magistrate within whose jurisdiction such person is, or is supposed to be, and may send the same by post.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon, and enforce its execution in the same manner as if the warrant had been originally issued by himself.

If the person named in the warrant be apprehended, he shall be carried before the Magistrate who endorsed it, and shall be dealt with by such Magistrate as provided in section 84.

99. The provisions relating to a warrant and its service and issue contained in this chapter shall be applicable to every warrant of arrest issued under this Act.

114. When a Magistrate considers that the production of any thing is essential to the conduct of an enquiry into an offence known or suspected to have been committed, or when he considers that such enquiry will be furthered by the search or inspection of any house or place, he may grant his search-warrant, and the officer charged with the execution of such warrant may search any house or place within the jurisdiction of such Magistrate.

The Magistrate may, if he see fit, specify in his warrant the house or place, or part thereof, to which only the search or inspection shall extend, and the officer charged with the execution of such warrant shall then search only the house, place or part so specified.

115. A search-warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing the warrant, may, if he see fit, direct it to any other person.

121. A Magistrate issuing a search-warrant to be executed in any house or place out of the jurisdiction of the Magistrate of the District, may direct the warrant to any Magistrate within whose jurisdiction such house or place is situate, and may send the same by post.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon and enforce its execution in the same manner as if it had been originally issued by himself.

If the warrant is to be executed within the local limits of the High Court, it shall be addressed to the Commissioner of Police or to a Police Magistrate. In such case any property found on search made, may be dealt with as provided in sections 118 and 119.

127. If the Magistrate of the District or a Magistrate in charge of a division of a District, or any other officer exercising the powers of a Magistrate, upon information and after such enquiry as he may think necessary, has reason to believe that any house or other place is used as a place for the deposit or sale of stolen property, or for the deposit or sale or manufacture of forged documents or counterfeit Government stamps or counterfeit coin, or instruments or materials for counterfeiting coin or for forging,

or of that any forged documents or counterfeit stamps or false seals or any counterfeit coin, or instruments or materials used for counterfeiting coin, or for forging, are kept or deposited in any house or other place,

he may by his warrant authorize any Police officer above the rank of a constable to enter, with such assistance as may be required, and by force if necessary, any such house or other place, and to search all such parts of the same as are specified in the warrant, and to seize and take possession of any property, documents, stamps, seals, or coins therein found, which he may reasonably suspect to be stolen, forged, false, or counterfeit, and also of any such instruments and materials as aforesaid.

130. The seizure by any Police officer of property alleged or suspected to have been stolen, or of property seized by any Police officer under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall thereupon make such order respecting the custody and production of the property as he shall think proper.

If the property is of a perishable nature, or if it appear to the Magistrate that its sale would be for the benefit of the owner, he may at any time direct it to be sold and shall hold the proceeds in trust for the owner subject to the provisions contained in sections 131 and 132.

Provided that no Subordinate Magistrate of the Second Class shall exercise this power unless he is generally or specially authorized to do so by the Magistrate of the District.

131. When the owner of any such property is unknown, the Magistrate may detain the same, or the proceeds thereof if sold, and in case of such detention shall issue a proclamation specifying the articles of which such property consists or consisted, and requiring any person who may have a claim thereto or to the proceeds thereof to appear before him and establish his claim within six months from the date of such proclamation.

132. If no person, within such period establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District, or if it has been already sold by the Magistrate, the proceeds shall be at the disposal of the Government.

132 A. When the trial in any Criminal Court is concluded, the Court at the time of passing judgment may pass such order as appears right for the disposal of any property produced before it regarding which any offence appears to have been committed.

132 B. Any Court of appeal, reference or revision may direct any such order passed by a Court subordinate thereto to be stayed, and may modify, alter or annul it.

132 C. The order passed by any Court under section 132 A or 132 B may be in the form of a reference of the property to the Magistrate of the District, who shall in such cases deal with it as if he were acting under sections 130, 131 and 132 under the circumstances mentioned in section 130, and the seizure had been reported to him by the Police.

133. Except as provided in section 108, no Police officer shall, without an express order from a Magistrate, enquire into or take cognizance of any offence punishable under the Indian Penal Code, other than the offences described in column 3 of the schedule annexed to this Act, as offences for which a Police officer may arrest without warrant. But it shall be competent to a Magistrate, upon the report of a Police officer or otherwise, to direct enquiry to be made by a Police officer into any offence punishable under the Indian Penal Code or under any special or local law.

137. Provided also that, if it appear to the officer in charge of a Police station that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the

ends of justice, he shall not proceed in the enquiry, but shall report the substance of the complaint or information for the orders of the Magistrate having jurisdiction.

140. When any officer in charge of a Police station requires any officer subordinate to him to make an arrest without a warrant, an arrest which may lawfully be made by such officer without a warrant, he shall deliver to the Police officer required to make the arrest an order in writing specifying the person to be arrested, and the offence for which the arrest is to be made.

The provisions of sections 82, 90, 91, 92, 93, 94, 95 and 96 shall be applicable to every order in writing issued under this section.

150. Provided that, when any fact is deposited in evidence as discovered in consequence of information received from a person accused of any offence or in the custody of a Police officer, so much of such information, whether it amounts to a confession or admission of guilt or not, as relates distinctly to the fact hereby discovered may be received in evidence.

158. Every prosecutor and witness, whose attendance before the Magistrate is deemed necessary by the Police officer making the enquiry, shall execute a recognizance in the form (F) given in the Appendix hereto or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day.

Such day shall be the day whereon the accused person is to appear, if he shall have been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the recognizance is executed, shall, after delivering to the prosecutor or one of the witnesses a duplicate thereof, send it with his report to the Magistrate.

No Police officer shall accompany the prosecutor or witnesses on his or their way to the Court of the Magistrate.

161. The officer in charge of a Police station, on receiving notice or information of the unnatural or sudden death of any person, shall immediately give information thereof to the nearest Magistrate, and proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, shall make enquiry, and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted.

The report shall be signed by such Police officer and other persons or by so many of them as concur therein, and shall be forthwith forwarded to the Magistrate:

When there may be any doubt regarding the cause of death, such Police officer shall forward the body, with a view to its being examined to the

nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government if the state of the weather and the distance admit of its being so forwarded without risk of putrefaction on the road.

In the Presidencies of Madras and Bombay it shall be the duty of the head of the village to make the enquiry and report as aforesaid.

164. When any Court has adjudged an offender to punishment, or forwarded him to a Magistrate or Justice of the Peace for trial under section 163, for refusing

omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may discharge the offender, or remit the punishment, on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

173. In any case triable by the Court of Session exclusively, any Civil Court before which any such offence was committed may, instead of sending the case for investigation to a Magistrate, complete the investigation itself, and commit or hold to bail the accused person to take his trial before the Court of Session.

For the purposes of investigation under this section the Civil Court may exercise all the powers of a Magistrate.

179. When a complaint is made to the Magistrate of the District or any other officer exercising the powers of a Magistrate, or to any Subordinate Magistrate empowered to commit persons for trial before the Court of Session, that any person has committed, or is suspected to have committed, any offence triable exclusively by the Court of Session, or which in the opinion of such Magistrate ought to be tried by the Court of Session, such Magistrate may issue his warrant to arrest such person:

Provided that, in any such case the Magistrate to whom such complaint is made may, if he thinks fit, instead of issuing in the first instance his warrant to arrest the accused person, issue his summons requiring him to appear to answer to such complaint.

185. When any person whose property has been declared to be at the disposal of Government under section 184 appears or is found within two years after the attachment of the property, and proves to the satisfaction of the Court giving him for the offence of which he was accused, or if not tried or committed for trial for that offence, to the satisfaction of the Magistrate of the District, that he did not abscond or conceal himself for the purpose of evading justice, such property, or if the same has been sold the proceeds thereof, shall be restored to him.

203. Except as provided in section 209 no influence, by means of any promise or threat or otherwise, shall be used to the accused person to induce him to disclose or withhold any matter within his knowledge.

208. The provisions of sections 179 to 183 (both inclusive) shall be applicable to witnesses named in support of the defence, who may be summoned by the Magistrate.

209. The Magistrate of the District or other officer exercising the powers of a Magistrate, and any Subordinate Magistrate duly empowered under section 26, recording his reason for so doing, may tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in column 7 of the second schedule hereto annexed as triable by the Court of Session, on condition of his or their making a full, true and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof.

If any person accepts a tender of pardon under this section, he shall be examined as a witness in the case under the rules applicable to the examination of witnesses.

Such person, if not on bail, may, if the Magistrate or other officer as aforesaid thinks proper, be detained in custody pending the termination of the trial.

210. The High Court as a Court of reference, in cases tried with the aid of assessors, and the Court of Session, after committal but before the commencement of a trial, may, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, instruct the Magistrate to tender a pardon on the same condition to such person or persons:

The Court of Session in like manner and on the same condition may, at any time during a trial, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, tender a pardon to such person or persons.

211. When a pardon has been tendered under section 209 or section 210, if it appears to the Magistrate before the committal or to the Court of Session at the time of trial, or to the High Court as a Court of reference, that any person who has accepted an offer of pardon has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information, such Magistrate or Court may commit or direct the commitment of such person for trial for the offence in respect of which the pardon was so tendered.

221. The powers given by sections 219 and 220 may be exercised by every Criminal Court in every case in which a personal recognizance or bail has been given for the appearance of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail:

Provided that the Magistrate or Court may at his or its discretion remit any portion of the penalty mentioned in the personal recognizance or in the recognizance of the surety or sureties, and enforce payment in part only :

All orders passed by any Magistrate under this section or sections 219 or 220 shall be subject to revision by the Magistrate of the District.

222. Every warrant for the commitment of a person to custody shall be in writing and signed and sealed by the Judge or Magistrate who issues it, and shall be directed to some jailor, or other officer or person having authority to receive and keep prisoners, and shall be in the form (C) given in the appendix to the said Code or to the like effect.

226 A. When from the evidence given before a Magistrate, there appears to be sufficient ground for believing that the accused person committed an act which if he had been of sound mind would have been an offence triable exclusively by the Court of Session, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, he shall be sent for trial by the Magistrate before the Court of Session :

If the Magistrate is a Justice of the Peace and the accused person is a European British subject, such person shall be sent for trial before the High Court.

248. When a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed, or is suspected to have committed, any offence triable by such Magistrate and punishable with imprisonment for a period exceeding six months, such Magistrate may issue his warrant to arrest such person :

Provided that in any such case the Magistrate to whom the complaint is made may, for any sufficient reason, instead of issuing his warrant in the first instance, issue his summons, requiring the person complained against to appear to answer to such complaint.

249. The provisions of sections 180 to 206 (both inclusive) and of sections 212 to 221 (both inclusive) and of section 224 shall be applicable to cases tried under this chapter :

On completing the examination of a witness under this section, the Magistrate, in addition to the memorandum required by section 199, shall record such remarks as he may think material respecting the demeanour of any witness while under examination.

257. When a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed or is suspected to have committed any offence triable by such Magistrate and punishable with fine only, or with imprisonment for period not exceeding six months, the Magistrate may issue his summons directed to such person,

requiring him to appear at a certain time and place before such Magistrate to answer to the complaint.

Provided that, if the Magistrate is satisfied when warrant may be issued, the accused person is about to abscond, he may, instead of issuing a summons, issue his warrant in the first instance for the arrest of such person.

262A. The Magistrate may examine the accused person subject to the provisions of sections 203, 204 and 205.

270. Whenever the Magistrate dismisses the complaint as frivolous or vexatious, he may in his discretion, by his order of dismissal, award that the complainant shall pay to the accused person such compensation, not exceeding fifty rupees, as to such Magistrate seems just and reasonable :

In such cases, if more persons than one are accused, the Magistrate may in like manner award compensation not exceeding fifty rupees to each of them :

The sum so awarded shall be recoverable by distress and sale of the movable property belonging to the complainant, which may be found within the jurisdiction of the Magistrate of the District, and in default of such distress, by imprisonment of the complainant in the civil jail for any time not exceeding thirty days, unless such sum shall be sooner paid.

276. If, in the course of a trial before a Subordinate Magistrate, the evidence appears to him to warrant a presumption that the accused person has been guilty of an offence which such Magistrate is not competent to try, or for which he is not competent to commit the accused person for trial, he shall stay proceedings and submit the case to the Magistrate to whom he is subordinate, or to such other Magistrate having jurisdiction as the Magistrate of the District may direct :

The Magistrate to whom the case is submitted shall either try the case himself or refer it to any officer subordinate to him having jurisdiction, or he may commit the accused person for trial :

In any such case, such Magistrate or other officer as aforesaid shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court.

But any statement or confession duly made by an accused person in the course of the trial before the Subordinate Magistrate shall be admissible as evidence.

280. Whenever a person charged with rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such charge before any Court of Session or the Magistrate of the District or a Magistrate in charge of a division of a District or other officer exercising the powers of a Magistrate,

and the Court or Magistrate or other officer as aforesaid by which or by whom the accused person

be convicted, or the Court or Magistrate or other officer as aforesaid by which or by whom the final sentence or order in the case is passed, is of opinion that it is just and necessary to require a personal recognizance for keeping the peace from the person so convicted,

the Court or Magistrate or other officer as aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, may, in addition, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate, or three years if the sentence or final order be passed by a Court of Session:

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance shall commence when he is released.

When any accused person is convicted of any offence specified in this section by an officer not exercising the powers of a Magistrate, such officer, if he consider it just and necessary to require a personal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of the District, or other officer exercising the powers of a Magistrate to whom such officer may be subordinate, who shall deal with the case as if the conviction had been before himself.

308. Whenever the Magistrate of a District or of a division of a district, considers that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place,

or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place,

or that the construction of any building or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented,

or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary,

or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public—

he may issue an order to the person causing such obstruction or nuisance, or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on him, within a time to be fixed in the order,

to remove such obstruction or nuisance,

or to suppress or remove such trade or occupation,

or to stop the construction of such building,

or to remove it,

or to alter the disposal of such substance,

or to fence such tank or well

(as the case may be),

or to appear before himself or some other officer exercising the powers of a Magistrate or of a Subor-

dinate Magistrate of the First Class within the time mentioned in the order, and show cause why such order should not be enforced.

310. The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate before whom he was required by the order to appear to show cause as aforesaid, or he may apply to such Magistrate for an order for a jury to be appointed to try whether the order is reasonable and proper.

On receiving such application, the Magistrate shall forthwith appoint a jury consisting of an odd number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant:

The execution of the order shall be suspended pending such enquiry, and the Magistrate who issued the order shall be guided by the decision of the jury, which shall be according to the opinion of the majority:

If the applicant, by neglect or otherwise, prevents the appointment of a jury, or if from any cause the jury so appointed does not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate:

If from any of the above causes no decision be made by the jury, the order of the Magistrate may be carried into effect as hereinafter provided.

311. If the person to whom the order mentioned in section 308 is issued does not obey such order,

or show cause against the same as hereinafter provided,

or apply for a jury within the time specified in such order,

he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code;

and the Magistrate who issued such order may proceed to carry it into execution at the expense of such person, and may realize such expenses either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the moveable property of the person aforesaid.

No suit shall lie in respect of anything necessarily or reasonably done to give effect to such order.

312. If in a case referred to a jury, the jury find that the order of the Magistrate is reasonable and proper, the Magistrate who issued the order shall give notice of such finding to the person to whom the order was issued, and shall add to such notice an order to obey the order first mentioned within a time to be fixed in the notice and an intimation that, in case of disobedience, he will be liable to the penalty provided by section 188 of Indian Penal Code.

If such latter order is not obeyed, the Magistrate may proceed as in section 311.

313. If the person to whom the order of the Magistrate is issued appears and shows cause against it, so as to satisfy the Magistrate who issued it that it is not reasonable and proper, no further proceedings shall be taken in the case.

Procedure where person ordered satisfies Magistrate that the order is not reasonable.

314. If, pending the enquiry by a jury, the Magistrate that issued the order considers that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person mentioned in that behalf in section 308 as is required to obviate or prevent such danger or injury.

Injunction pending enquiry by jury.

In default of such person forthwith taking all necessary measures ordered to be taken by such injunction, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything necessarily or reasonably done for that purpose.

322. The Local Government may order that the trial of all offences or of any particular class of offences before any Court of Session shall be by jury in any District, and such Local Government may from time to time revoke or alter such order.

Local Government may order trials before Court of Session to be by jury.

The Local Government may also, if it see fit, direct that, in any district or in any class of offences, the jurors shall, before the trial, be sworn in such form as the Government may prescribe.

Orders passed under this section shall be published in the Government Gazette, and in such other manner as the Local Government shall from time to time direct.

331. The Collector or other officer as aforesaid shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not qualified in his judgment to serve as a juror or as an assessor, or who may avail himself of the exemption from service given by section 335, and insert the name of any person omitted from the list whom he deems qualified for such service.

Revision of list.

A copy of the revised list shall be signed by the Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Collector or other officer as aforesaid in preparing and revising the list shall be final.

363. If the accused person refuses to plead, or claims to be tried, the Court shall proceed to choose jurors or select assessors and to try the case.

Refusal to plead, or plea of claim.

371. The declaration of a deceased person, whether it be reduced to writing or not and whether it be made in the presence of the accused person or not, may be given in evidence if the deceased person at the time of making such declaration

Dying declaration.

believed himself to be in danger of approaching death, although he entertained at the time of making it hopes of recovery.

372. When the case for the prosecution has been brought to a close, the Court may, if it considers that there are no grounds for proceeding with the trial, record a judgment of acquittal; otherwise the accused person shall be called upon to enter upon his defence, and to produce his evidence.

Defence.

373. The Court, at the close of the case for the prosecution, and at the close of the evidence on behalf of the accused person (if he produces any evidence), may put any questions to the accused person which it may think proper.

When accused person may be examined.

It shall be in the option of the accused person to answer such questions, and after such questions shall have been answered by the accused person he or his counsel or agent may address the Court on the subject thereof.

The provisions of section 204 shall apply to examinations under this section.

374. The accused person or his counsel or agent may, at his option, address the Court at the close of the case for the prosecution, or at the close of the evidence that may be adduced on his behalf.

When accused may address the Court.

376. If any evidence is adduced on behalf of the accused person, or if he answers any question put to him by the Court, the prosecutor, or the counsel or agent for the prosecution shall be entitled to a reply.

Prosecutor's right of reply.

379A. In trials before a Court of Session where more charges than one are preferred against the same person, and when a conviction has been had on one or more of them, the Government pleader or other officer conducting the prosecution may with the consent of the Court withdraw, or the Court on its own accord may suspend, the enquiry into the remaining charge or charges.

Withdrawal of remaining charges on conviction on one of several charges.

380A. The rules contained in sections 368, 369, 370 and 371 shall be applicable to trials and enquiries before Criminal Courts.

Rules of evidence.

383. In cases referred by the Court of Session for the confirmation of sentence by the High Court, the proper officer of the High Court shall, within a day, after the order of confirmation or delay has been made by the High Court, send a copy of the order under the seal of the High Court, attested with his official signature, to the Court of Session.

Execution of sentence of Court in cases referred to the High Court for confirmation of sentence.

Such Court shall, if the sentence be confirmed, immediately issue a warrant to the officer in charge of the jail in which the prisoner is confined, or in the case of any other order, cause such order to be carried into effect.

384. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence to the Magistrate of the District in which the trial was held.

Court of Session to direct warrant to District Magistrate.

If the accused person is sentenced to imprisonment, the Court shall forthwith forward him with a warrant for the execution of the sentence to the officer in charge of the jail of the District in which the trial was held.

The warrant shall state the offence of which the accused person has been convicted and the period during which he is to be imprisoned and the nature of the imprisonment.

In cases tried by any Court inferior to a Court of Session, the Court passing the sentence shall forthwith forward the accused person with a similar warrant for the execution of the sentence to the officer in charge of the jail of the District in which the trial was held.

385. Upon the receipt of a warrant under section 383 or 384, the officer in charge of the jail shall cause the sentence to be executed, and shall return the warrant when the sentence has been fully executed, to the Court from which it issued, with an endorsement under his signature, certifying the manner in which the sentence has been executed.

395. Clause 1.—When any person is confined under the provisions of section 390 or section 394, the officer in charge of the jail, if such person is confined in a jail, or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every three months by such officer in charge of the jail or by two of such visitors as aforesaid, who shall make a special report to the Local Government as to his state of mind.

Clause 2.—If such person is confined under section 390, and such officer or visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court of Session, as the case may be, at such time as such Magistrate or Court of Session shall appoint; and such Magistrate or Court shall deal with such person under the provisions of section 392, and the certificate of such officer or visitors as aforesaid shall be receivable as evidence.

Clause 3.—If such person is confined under the provisions of section 394, and such officer or visitors as aforesaid shall certify that in his or their judgment he may be discharged without danger of his doing injury to himself or to any other person, the Local Government shall thereupon either order his discharge or order him to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and shall appoint a commission consisting of a judicial officer not below the grade of a Sessions Judge, and two medical officers whereof the chief medical officer attached to the Lunatic

Asylum shall be one. The said commission shall make formal enquiry into the state of mind of such person, taking such evidence as shall be necessary; and if they consider that he can be set at liberty without danger to himself or to any other person, he shall be discharged.

406. Whenever a case is revised by the High Court under this chapter, it shall certify its decision or order to the Court in which the conviction was had or by which the order was passed; or, if the conviction or order was passed by a Magistrate, other than the Magistrate of the District, to the Magistrate of the District.

Proceedings of a case revised by High Court to be certified to Court in which conviction was had.

Proviso.

The Court or Magistrate to which the High Court certifies its order shall thereupon make such orders as are conformable to the decision of the High Court, and if necessary the record shall be amended in accordance therewith:

Provided that, in any case revised by the High Court under this chapter, the High Court shall not reverse the verdict of the jury, or, except as provided in this chapter, alter or reverse the sentence or order of the Court below.

409. Any person convicted on a trial held by the Magistrate of the District or other officer exercising the powers of a Magistrate, or required by such Magistrate or other officer under section 295 or section 296 to give security for good behaviour, may appeal to the Court of Session of the District.

413. Any person convicted by any Civil, Criminal or Revenue Court under chapter X of this Act may appeal to the Court to which decrees or orders made in such Court are ordinarily appealable, subject to the rules provided in sections 416, 417, 418, 419, 420, 421 and 422.

Petitions of appeal under this section, if presented to any District Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days calculated as last aforesaid.

An appeal may be admitted after the time herein provided on sufficient cause shown.

415. Petitions of appeal to any Appellate Court, except the High Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days calculated as above.

An appeal may be admitted after the time herein provided on sufficient cause shown.

421. In any case in which an appeal is allowed, the Appellate Court may, pending the appeal, order that the sentence be suspended, and if the appellant be

Appellate Court may suspend sentence pending appeal, and release defendant on bail.

in confinement for an offence which is bailable, may order that he be released on bail; and the High Court may exercise the same authority in cases coming before it as a Court of revision.

422. In any case in which an appeal has been allowed, the Appellate Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the appellant to be necessary, may direct such enquiry to be made and additional evidence to be taken.

The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and the Appellate Court shall thereupon proceed to dispose of the appeal in the manner prescribed by section 419.

Unless the Appellate Court otherwise direct the presence of the appellant may be dispensed with when the further enquiry is made or evidence taken.

The provisions of chapter XII relating to summoning and enforcing the attendance of witnesses and their examination shall, so far as may be, apply to witnesses examined under this section.

427. When any Court has convicted a person of an offence not triable by such Court, the Appellate Court may annul the conviction and sentence of such Court, and direct the trial of the case by a Court of competent jurisdiction.

432. Every person charged before any Criminal Court with an offence may of right be defended by any barrister or attorney of a High Court, or by any pleader duly qualified under the provisions of Act No. XX of 1865, or any other law in force for the time being relating to pleaders. Provided that any such person may with the permission of the Court (but not otherwise) employ any other person not being a barrister, attorney or pleader to assist him in his defence.

435. In the case of offences specified in the seventh column of the schedule to this Act annexed as triable by the Court of Session only or by the Court of Session or Magistrate of the District, the Court of Session may order the commitment of any accused person who may have been discharged by any Magistrate. In the case of such offences the Court of Session may order an enquiry into any complaint which any Magistrate may have dismissed without enquiry.

In the case of such offences the Magistrate of the District shall have like powers where the Magistrate who has discharged the accused person or dismissed the complaint without enquiry is a Subordinate Magistrate.

If the Court of Session consider that any person convicted by a Magistrate has committed

an offence not triable by such Magistrate, it may annul the conviction and sentence and direct the commitment of the accused person for trial before itself.

438. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General of India in Council, the Criminal Courts may order payment on the part of Government of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

440. A copy of the final sentence or order passed by any Criminal Court together with the reasons for passing or making the same shall be furnished without delay on the application of any party to the case in which such sentence or order was passed.

Such copy shall be made at the expense of the person applying for it, unless he is in confinement under the sentence or order and is desirous of appealing against the same, or unless the Court for any special reason sees fit to grant such copy free of expense.

445A. When under the provisions of section 445 this Act has been or shall be extended to any part of the territories not subject to the general Regulations of Bengal, Madras or Bombay, the Governor General in Council or the Local Government of such territory may invest the chief officer charged with the executive administration of a district in criminal matters, by whatever designation such officer is called, with power to try all offences not punishable with death, and under the provisions of the said Code to pass sentence of imprisonment of either description for a term not exceeding seven years, including such solitary confinement as is authorized by law, or fine, or both.

445B. Such chief officer shall try as a Court of Session offences which, under the schedule hereto annexed, are triable by a Court of Session only, and in such trials shall be guided by the rules contained in chapter XXV of this Code.

445C. Any person convicted on a trial held by any officer invested with the power described in section 445A may appeal to the High Court, and no appeal against such conviction shall lie to the Court of Sessions.

445D. When the High Court of reference, revision or appeal in any part of the territories to which this Code has been or shall be extended as aforesaid, consists of a single Judge, he shall have all the powers of two or more Judges of the Sadr Court under sections 398 and 401.

SCHEDULE.

Explanatory Notes.—1st.—The entries in the 2nd and 6th columns of the schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the 1st column.

2nd.—The term "Whether bailable or not," in column 5, is to be taken in connection with the provisions of sections 212 and 213 of this Code.

3rd.—Offences may be tried by a Court superior to the Court specifically mentioned in column 7. For example, a Court of Session may try an offence entered in column as triable by a Magistrate.

4th.—The words "Magistrate of the District," as used in column 7, shall include any officer exercising the powers of a Magistrate.

5th.—The words "any Magistrate," as used in column 7, shall include any Subordinate Magistrate of the 1st or 2nd class.

6th.—In the territories in British India to which the General Regulations of Bengal, Madras and Bombay do not extend, the powers given by this Act shall be exercised by such officers as the Local Government of those territories respectively shall appoint.

7th.—The last part of this schedule headed "Offences against other Laws" shall not be taken to alter or affect any special provision contained in such laws regarding the procedure to be followed in the case of offences made punishable thereby.

CHAPTER V—OF ABETMENT.

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------|
| 109 | Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment. | May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise. | According as a warrant or summons may issue for the offence abetted. | According as the offence abetted is bailable or not. | The same punishment as for the offence abetted. | By the Court by which the offence abetted is triable. |
| 110 | Abetment of any offence if the person abetted does the act with a different intention from that of the abettor. | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| 111 | When one act is abetted and a different act is done, subject to the proviso. | Ditto ... | Ditto ... | Ditto ... | The same punishment as for the offence intended to be abetted. | Ditto. |
| 113 | When an effect is caused by the act abetted different from that intended by the abettor. | Ditto ... | Ditto ... | Ditto ... | The same punishment as for the offence committed. | Ditto. |
| 114 | If abettor is present when offence is committed ... | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| 115 | Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment. | Ditto ... | Ditto ... | Not bailable | Imprisonment of either description for 7 years and fine. | Ditto. |
| | If an act which causes harm be done in consequence of the abetment ... | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 14 years and fine. | Ditto. |

CHAPTER V—OF ABETMENT—(continued.)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|----------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| Section. | Offence. | Whether the Police may arrest without warrant or not. | Whether a warrant or a summons shall ordinarily issue in the first instance. | Whether bailable or not. | Punishment under the Indian Penal Code. | By what Court triable. |
| | Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment. | May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise. | According as a warrant or summons may issue for the offence abetted. | According as the offence abetted is bailable or not. | Imprisonment extending to $\frac{1}{4}$ part of the longest term, and of any description provided for the offence, or fine, or both. | By the Court by which the offence abetted is triable. |
| | If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence. | Ditto | Ditto | Ditto | Imprisonment extending to $\frac{1}{4}$ of the longest term, and of any description provided for the offence, or fine, or both. | Ditto. |
| 117 | Abetting the commission of an offence by the public, or by more than ten persons. | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, or fine, or both. | Ditto. |
| 118 | Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed. | Ditto | Ditto | Not bailable | Imprisonment of either description for 7 years and fine. | Ditto. |
| | If the offence be not committed. | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years and fine. | Ditto. |
| 119 | A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed. | Ditto | Ditto | According as the offence abetted is bailable or not. | Imprisonment extending to $\frac{1}{4}$ of the longest term, and of any description provided for the offence, or fine, or both. | Ditto. |
| | If the offence be punishable with death or transportation. | Ditto | Ditto | Not bailable | Imprisonment of either description for 10 years. | Ditto. |
| | If the offence be not committed. | Ditto | Ditto | According as the offence abetted is bailable or not. | Imprisonment extending to $\frac{1}{4}$ part of the longest term, and of any description provided for the offence, or fine, or both. | Ditto. |
| 120 | Concealing a design to commit an offence punishable with imprisonment, if the offence be committed. | Ditto | Ditto | Ditto | Imprisonment extending to $\frac{1}{4}$ part of the longest term, and of the description provided for the offence, or fine, or both. | Ditto. |

| Section | Offence | Punishment | Penalty | Penalty | Penalty | Penalty | Penalty |
|---------|---------|------------|---------|---------|---------|---------|---------|
|---------|---------|------------|---------|---------|---------|---------|---------|

CHAPTER VI—OFFENCES AGAINST THE STATE.

| | | | | | | | | | |
|-----|------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------|-------|--------------|--------------|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| 121 | Waging or attempting to wage war, or abetting the waging of war against the Queen. | Shall not arrest without warrant. | Warrant | ... | Not bailable | ... | Death, or transportation for life, and forfeiture of property. | Court of Session. | |
| 122 | Collecting arms, &c., with the intention of waging war against the Queen. | Ditto | ... | Ditto | ... | Ditto | ... | Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property. | Ditto. |
| 123 | Concealing with intent to facilitate a design to wage war | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 10 years, and fine. | Ditto. |
| 124 | Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 7 years, and fine. | Ditto. |
| 125 | Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war. | Ditto | ... | Ditto | ... | Ditto | ... | Transportation for life and fine, or imprisonment of either description for 7 years, and fine, or fine. | Ditto. |
| 126 | Committing depredation on the territories of any power in alliance or at peace with the Queen. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 7 years, and fine, and forfeiture of certain property. | Ditto. |
| 127 | Receiving property taken by war or depredation mentioned in sections 125 and 126. | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | Ditto. |
| 128 | Public servant voluntarily allowing prisoner of State or War in his custody to escape. | Ditto | ... | Ditto | ... | Ditto | ... | Transportation for life, or imprisonment of either description for 10 years, and fine. | Ditto. |
| 129 | Public servant negligently suffering prisoner of State or War in his custody to escape. | Ditto | ... | Ditto | ... | Bailable | ... | Simple imprisonment for 3 years, and fine. | Court of Session or Magistrate of the District. |
| 130 | Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner. | Ditto | ... | Ditto | ... | Not bailable | ... | Transportation for life, or imprisonment of either description for 10 years, and fine. | Court of Session. |

CHAPTER VII—OFFENCES RELATING TO THE ARMY AND NAVY.

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|---------------|---------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------------------------------|-------------------------------------------------|
| 131 | Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty. | May arrest without warrant. | Warrant | Not bailable | Transportation for life, or imprisonment of either description for 10 years, and fine. | Court of Session. |
| 132 | Abetment of mutiny if mutiny is committed in consequence thereof | Ditto | Ditto | Ditto | Death, or transportation for life, or imprisonment of either description for 10 years, and fine. | Ditto. |
| 133 | Abetment of an assault by an officer, soldier, or sailor on his superior officer when in the execution of his office. | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | Court of Session or Magistrate of the District. |
| 134 | Abetment of such assault, if the assault is committed | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | Court of Session. |
| 135 | Abetment of the desertion of an officer, soldier, or sailor | Ditto | Ditto | Bailable | Imprisonment of either description for 2 years, or fine, or both. | Magistrate of the District. |
| 136 | Harbouring such an officer, soldier, or sailor who has deserted | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Ditto. |
| 137 | Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof. | Shall not arrest without warrant. | Summons | Ditto | Fine of 500 rupees | Ditto. |
| 138 | Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence. | May arrest without warrant. | Warrant | Ditto | Imprisonment of either description for 6 months, or fine, or both. | Ditto. |
| 140 | Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier. | Ditto | Summons | Ditto | Imprisonment of either description for 3 months, or fine of 500 rupees, or both. | Any Magistrate. |

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

| | | | | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 144 | Joining an unlawful assembly armed with any deadly weapon | Ditto | Warrant | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Ditto. |
| 145 | Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse. | Ditto | Ditto | Ditto | Ditto | Ditto. |
| 147 | Rioting | Ditto | Ditto | Ditto | Ditto | Ditto. |
| 148 | Rioting armed with a deadly weapon | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, or fine, or both. | Court of Session or Magistrate of the District. |
| 149 | If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence | According as arrest may be made without warrant for the offence or not. | According as a warrant or summons may issue for the offence. | According as the offence is bailable or not. | The same as for the offence | By the Court by which the offence is triable. |
| 150 | Hiring, engaging, or employing persons to take part in an unlawful assembly. | May arrest without warrant. | According to the offence committed by the person hired, engaged, or employed. | Ditto | The same as for a member of such assembly, and for any offence committed by any member of such assembly. | Ditto. |
| 151 | Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse. | Ditto | Summons | Bailable | Imprisonment of either description for 6 months, or fine, or both. | Any Magistrate. |
| 152 | Assaulting or obstructing public servant when suppressing riot, &c. | Ditto | Warrant | Ditto | Imprisonment of either description for 3 years, or fine, or both. | Court of Session or Magistrate of the District. |
| 153 | Wantonly giving provocation with intent to cause riot, if rioting be committed. | Ditto | Ditto | Ditto | Imprisonment of either description for 1 year, or fine, or both. | Any Magistrate. |
| | If not committed | Ditto | Summons | Ditto | Imprisonment of either description for 6 months, or fine, or both. | Ditto. |
| 154 | Owner or occupier of land not giving information of riot, &c. | Shall not arrest without warrant. | Ditto | Ditto | Fine of 1,000 rupees. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 155 | Person for whose benefit, or on whose behalf a riot takes place not using all lawful means to prevent it. | Ditto | Ditto | Ditto | Fine | Ditto. |
| 156 | Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it. | Ditto | Ditto | Ditto | Ditto | Ditto. |
| 157 | Harbouring persons hired for an unlawful assembly. | May arrest without warrant. | Ditto | Ditto | Imprisonment of either description for 6 months, or fine, or both. | Ditto. |

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(Continued.)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|----------|-----------------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------------|--------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Section. | Offence. | Whether the Police may arrest without warrant or not. | Whether a warrant or a summons shall ordinarily issue in the first instance. | Whether bailable or not. | Punishment under the Indian Penal Code. | By what Court triable. |
| 158 | Being hired to take part in an unlawful assembly or riot | May arrest without warrant. | Summons ... | Bailable ... | Imprisonment of either description for 6 months, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| | Or to go armed... .. | Ditto ... | Warrant ... | Ditto ... | Imprisonment of either description for 2 years, or fine, or both. | Ditto. |
| 160 | Committing affray | Shall not arrest without warrant. | Summons ... | Ditto ... | Imprisonment of either description for 1 month, or fine of 100 rupees, or both. | Any Magistrate. |

CHAPTER IX—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

| | | | | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-------------|--------------|-------------------------------------------------------------------|---------------------------------------------------------------------|
| 161 | Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act. | Shall not arrest without warrant. | Summons ... | Bailable ... | Imprisonment of either description for 3 years, or fine, or both. | Court of Session or Magistrate of the District. |
| 162 | Taking a gratification in order by corrupt or illegal means to influence a public servant. | Ditto ... | Ditto ... | ... | Ditto | Ditto. |
| 163 | Taking a gratification for the exercise of personal influence with a public servant. | Ditto ... | Ditto ... | Ditto ... | Simple imprisonment for 1 year, or fine, or both. | Magistrate of the District. |
| 164 | Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 3 years, or fine, or both. | Court of Session or Magistrate of the District. |
| 165 | Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant. | Ditto ... | Ditto ... | Ditto ... | Simple imprisonment for 2 years, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |

| | | | | | | | | | |
|-----|-------------------------------------------------------------------------------|-----------------------------|-----|---------|-----|-------|-----|------------------------------------------------------------------------------------------------|-------------------------------------------------|
| 167 | Public servant framing an incorrect document with intent to cause injury. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 3 years, or fine, or both. | Court of Session or Magistrate of the District. |
| 168 | Public servant unlawfully engaging in trade | Ditto | ... | Ditto | ... | Ditto | ... | Simple imprisonment for 1 year, or fine, or both. | Magistrate of the District. |
| 169 | Public servant unlawfully buying or bidding for property | Ditto | ... | Ditto | ... | Ditto | ... | Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased. | Ditto. |
| 170 | Personating a public servant | May arrest without warrant. | ... | Warrant | ... | Ditto | ... | Imprisonment of either description for 2 years, or fine, or both. | Any Magistrate. |
| 171 | Wearing garb or carrying token used by public servant with fraudulent intent. | Ditto | ... | Summons | ... | Ditto | ... | Imprisonment of either description for 3 months, or fine of 200 rupees, or both. | Ditto. |

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

| | | | | | | | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-----|---------|-----|----------|-----|---------------------------------------------------------------------|----------------------------------------------------------------------|
| 172 | Absconding to avoid service of summons or other proceeding from a public servant. | Shall not arrest without warrant. | ... | Summons | ... | Bailable | ... | Simple imprisonment for 1 month, or fine of 500 rupees, or both. | Any Magistrate. |
| | If summons or notice require attendance in person, &c., in a Court of Justice. | Ditto | ... | Ditto | ... | Ditto | ... | Simple imprisonment for 6 months, or fine of 1,000 rupees, or both. | Ditto. |
| 173 | Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation. | Ditto | ... | Ditto | ... | Ditto | ... | Simple imprisonment for 1 month, or fine of 500 rupees, or both. | Magistrate of the District, or Sub-ordinate Magistrate of 1st Class. |
| | If summons, &c., require attendance in person, &c., in a Court of Justice. | Ditto | ... | Ditto | ... | Ditto | ... | Simple imprisonment for 6 months, or fine of 1,000 rupees, or both. | Ditto. |
| 174 | Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority. | Ditto | ... | Ditto | ... | Ditto | ... | Simple imprisonment for 1 month, or fine of 500 rupees, or both. | Any Magistrate. |
| | If the order require personal attendance, &c., in a Court of Justice | Ditto | ... | Ditto | ... | Ditto | ... | Simple imprisonment for 6 months, or fine of 1,000 rupees, or both. | Ditto. |

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(Continued.)

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 175 | Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document. | Shall not arrest without warrant. | Summons. | Bailable | Simple imprisonment for 1 month, or fine of 500 rupees, or both. | Court in which the offence is committed, subject to the provisions of Chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| | If the document is required to be produced in or delivered to a Court of Justice. | Ditto | Ditto | Ditto | Simple imprisonment for 6 months, or fine of 1,000 rupees, or both. | Ditto. |
| 176 | Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information. | Ditto | Ditto | Ditto | Simple imprisonment for 1 month, or fine of 500 rupees, or both. | Magistrate of the District. |
| | If the notice or information required respects the commission of an offence, &c. | Ditto | Ditto | Ditto | Simple imprisonment for 6 months, or fine of 1,000 rupees, or both. | Ditto. |
| 177 | Knowingly furnishing false information to a public servant | Ditto | Ditto | Ditto | Simple imprisonment for 6 months, or fine of 1,000 rupees, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| | If the information required respects the commission of an offence, &c. | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Ditto. |

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| 178 | Refusing oath when duly required to take oath by a public servant ... | Ditto | ... | Ditto | ... | Ditto | ... | Simple imprisonment for 3 months, or fine of 1,000 rupees, or both. | Offence is committed, subject to the provisions of Chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 179 | Being legally bound to state the truth, and refusing to answer questions ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | Ditto. |
| 180 | Refusing to sign a statement made to a public servant when legally required to do so. | Ditto | ... | Ditto | ... | Ditto | ... | Simple imprisonment for 3 months, or fine of 500 rupees, or both. | Ditto. |
| 181 | Knowingly stating to a public servant on oath as true that which is false. | Ditto | ... | Warrant | ... | Ditto | ... | Imprisonment of either description for 3 years, or fine or both. | Court of Session, or Magistrate of the District. |
| 182 | Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person. | Ditto | ... | Summons | ... | Ditto | ... | Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 183 | Resistance to the taking of property by the lawful authority of a public servant. | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | Ditto. |
| 184 | Obstructing sale of property offered for sale by authority of a public servant. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 1 month, or fine of 500 rupees, or both. | Ditto. |
| 185 | Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 1 month, or fine of 200 rupees, or both. | Ditto. |
| 186 | Obstructing public servant in discharge of his public functions ... | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 3 months, or fine of 500 rupees, or both. | Ditto. |
| 187 | Omission to assist public servant when bound by law to give such assistance. | Ditto | ... | Ditto | ... | Ditto | ... | Simple imprisonment for 1 month, or fine of 200 rupees, or both. | Ditto. |
| | Willfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c. | Ditto | ... | Ditto | ... | Ditto | ... | Simple imprisonment for 6 months, or fine of 500 rupees, or both. | Ditto. |

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(Continued.)

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------|
| 188 | Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed. | Shall not arrest without warrant. | Summons | Bailable | Simple imprisonment for 1 month, or fine of 200 rupees, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| | If such disobedience causes danger to human life, health or safety, &c | Ditto | Ditto | Ditto | Imprisonment for 6 months, or fine of 1,000 rupees, or both. | Ditto. |
| 189 | Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act. | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Ditto. |
| 190 | Threatening any person to induce him to refrain from making a legal application for protection from injury. | Ditto | Ditto | Ditto | Imprisonment of either description for 1 year, or fine, or both. | Ditto. |

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

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|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------|--------------|---------------------------------------------------------------------------|-------------------|
| 193 | Giving or fabricating false evidence in a judicial proceeding | Shall not arrest without warrant. | Warrant | Bailable | Imprisonment of either description for 7 years, and fine. | Court of Session. |
| | Giving or fabricating false evidence in any other case | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | Ditto. |
| 194 | Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence. | Ditto | Ditto | Not bailable | Transportation for life, or rigorous imprisonment for 10 years, and fine. | Ditto. |
| | If innocent person be thereby convicted and executed | Ditto | Ditto | Ditto | Death, or as above | Ditto. |
| 195 | Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years. | Ditto | Ditto | Ditto | The same as for the offence | Ditto. |

| | | | | | | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|---------|-----|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 169 | Using in a judicial proceeding evidence known to be false or fabricated ... | Ditto | ... | Ditto | ... | According as the offence of giving such evidence is bailable or not. | The same as for giving or fabricating false evidence. | Ditto. |
| 197 | Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence. | Ditto | ... | Ditto | ... | Bailable | The same as for giving false evidence | Ditto. |
| 198 | Using as a true certificate one known to be false in a material point ... | Ditto | ... | Ditto | ... | Ditto | Ditto | Ditto. |
| 199 | False statement made in any declaration which is by law received as evidence. | Ditto | ... | Ditto | ... | Ditto | Ditto | Ditto. |
| 200 | Using as true any such declaration known to be false ... | Ditto | ... | Ditto | ... | Ditto | Ditto | Ditto. |
| 201 | Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence. | Ditto | ... | Ditto | ... | Ditto | Imprisonment of either description for 7 years, and fine. | Ditto. |
| | If punishable with transportation, or imprisonment for 10 years ... | Ditto | ... | Ditto | ... | Ditto | Imprisonment of either description for 3 years, and fine. | Court of Session, or Magistrate of the District. |
| | If punishable with less than 10 years' imprisonment ... | Ditto | ... | Ditto | ... | Ditto | Imprisonment for $\frac{1}{4}$ of the longest term, and of the description provided for the offence, or fine, or both. | By the Magistrate of the District or by the Court by which the offence is triable. |
| 202 | Intentional omission to give information of an offence by a person legally bound to inform. | Ditto | ... | Summons | ... | Ditto | Imprisonment of either description for 6 months, or fine, or both. | Magistrate of the District. |
| 203 | Giving false information respecting an offence committed ... | Ditto | ... | Warrant | ... | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Ditto. |
| 204 | Secreting or destroying any document to prevent its production as evidence. | Ditto | ... | Ditto | ... | Ditto | Ditto | Ditto. |
| 205 | False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security. | Ditto | ... | Ditto | ... | Ditto | Imprisonment of either description for 3 years, or fine, or both. | Court of Session or Magistrate of the District. |
| 206 | Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree. | Ditto | ... | Ditto | ... | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 207 | Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree. | Ditto | ... | Ditto | ... | Ditto | Ditto | Ditto. |

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(Continued.)

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a war- rant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|---------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|----------------------------------------------------------------------------------------------|----------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 208 | Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied. | Shall not arrest with- out warrant. | Warrant ... | Bailable ... | Imprisonment of either description for 2 years, or fine, or both. | Magistrate of the District. |
| 209 | False claim in a Court of Justice | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 2 years and fine. | Ditto. |
| 210 | Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 2 years, or fine, or both. | Ditto. |
| 211 | False charge of offence made with intent to injure | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| | If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, and fine. | Court of Session. |
| 212 | Harbouring an offender if the offence be capital | May arrest without warrant. | Ditto ... | Ditto ... | Imprisonment of either description for 5 years, and fine. | Ditto. |
| | If punishable with transportation for life, or with imprisonment for 10 years. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 3 years, and fine. | Court of Session, or Magistrate of the District. |
| | If punishable with imprisonment for 1 year, and not for 10 years ... | Ditto ... | Ditto ... | Ditto ... | Imprisonment for $\frac{1}{2}$ of the longest term, and of the description provided for the offence, or fine, or both. | By the Magistrate of the District, or by the Court by which the offence is tri- able. |
| 213 | Taking gift, &c., to screen an offender from punishment, if the offence be capital. | Shall not arrest with- out warrant. | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, and fine. | Court of Session. |
| | If punishable with transportation for life, or with imprisonment for 10 years. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 3 years, and fine. | Court of Session, or Magistrate of the District. |
| | If with imprisonment for less than 10 years | Ditto ... | Ditto ... | Ditto ... | Imprisonment for $\frac{1}{2}$ of the longest term, and of the description provided for the offence, or fine, or both. | By the Magistrate of the District, or by the Court by which the offence is triable. |

| No. | Description of offence. | Punishment. | | | Punishment of either description for 3 years, and fine. | Court of Session or Magistrate of the District. |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------|--------------------------------------|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| | | Imprisonment for life, or with imprisonment for 10 years. | Imprisonment for less than 10 years. | Imprisonment for less than 10 years. | | |
| | If punishable with transportation for life, or with imprisonment for 10 years. | Ditto | ... | Ditto | ... | Court of Session or Magistrate of the District. |
| | If with imprisonment for less than 10 years ... | Ditto | ... | Ditto | ... | Imprisonment for $\frac{1}{4}$ of the longest term, and of the description provided for the offence, or fine, or both. |
| 215 | Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender. | Ditto | ... | Ditto | ... | Imprisonment of either description for 2 years, or fine, or both. |
| 216 | Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital. | May arrest without warrant. | Ditto | ... | Ditto | Imprisonment of either description for 7 years, and fine. |
| | If punishable with transportation for life, or with imprisonment for 10 years. | Ditto | ... | Ditto | ... | Imprisonment of either description for 3 years, and fine. |
| | If with imprisonment for 1 year and not for 10 years ... | Ditto | ... | Ditto | ... | Imprisonment for $\frac{1}{4}$ of the longest term, and of the description provided for the offence, or fine, or both. |
| 217 | Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture. | Shall not arrest without warrant. | Summons | ... | Ditto | Imprisonment of either description for 2 years, or fine, or both. |
| 218 | Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture. | Ditto | Warrant | ... | Ditto | Imprisonment of either description for 3 years, or fine, or both. |
| 219 | Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law. | Ditto | Ditto | ... | Ditto | Imprisonment of either description for 7 years, or fine, or both. |
| 220 | Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law. | Ditto | Ditto | ... | Ditto | Ditto ... |
| 221 | Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital. | Ditto | Ditto | ... | Ditto | Imprisonment of either description for 7 years, with or without fine. |

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(Continued.)

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| | If punishable with transportation for life, or imprisonment for 10 years ... | Shall not arrest without warrant. | Warrant ... | Bailable ... | Imprisonment of either description for 3 years, with or without fine. | Court of Session or Magistrate of the District. |
| | If with imprisonment for less than 10 years ... | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 2 years, with or without fine. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 222 | Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death. | Ditto ... | Ditto ... | Not bailable ... | Transportation for life, or imprisonment of either description for 14 years, with or without fine. | Court of Session. |
| | If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, with or without fine. | |
| | If under sentence of imprisonment for less than 10 years ... | Ditto ... | Ditto ... | Bailable ... | Imprisonment of either description for 3 years, or fine, or both. | Court of Session or Magistrate of the District. |
| 223 | Escape from confinement negligently suffered by a public servant ... | Ditto ... | Summons ... | Ditto ... | Simple imprisonment for 2 years, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 224 | Resistance or obstruction by a person to his lawful apprehension ... | May arrest without warrant. | | Ditto ... | Imprisonment of either description for 2 years, or fine, or both. | Ditto. |
| 225 | Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody. | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| | If charged with an offence punishable with transportation for life, or imprisonment for 10 years. | Ditto ... | Ditto ... | Not bailable ... | Imprisonment of either description for 3 years, and fine. | Court of Session or Magistrate of the District. |
| | If charged with a capital offence ... | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, and fine. | Court of Session. |

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(continued.)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|----------|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Section. | Offence. | Whether the Police may arrest without warrant or not. | Whether a warrant or a summons shall ordinarily issue in the first instance. | Whether bailable or not. | Punishment under the Indian Penal Code. | By what Court triable. |
| 236 | Abetting in India the counterfeiting out of British India of Coin ... | May arrest without warrant. | Warrant ... | Not bailable ... | The punishment provided for abetting the counterfeiting of such coin within British India. | Court of Session. |
| 237 | Import or export of counterfeit Coin, knowing the same to be counterfeit | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 3 years, and fine. | Court of Session or Magistrate of the District. |
| 238 | Import or export of counterfeits of the Queen's Coin, knowing the same to be counterfeit. | Ditto ... | Ditto ... | Ditto ... | Transportation for life, or imprisonment of either description for 10 years, and fine. | Court of Session. |
| 239 | Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 5 years, and fine. | Ditto. |
| 240 | The same with respect to the Queen's Coin ... | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 10 years, and fine. | Ditto. |
| 241 | Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 2 years, or fine of ten times the value of the Coin counterfeited, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 242 | Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 3 years, and fine. | Court of Session or Magistrate of the District. |
| | Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, and fine. | Court of Session. |
| | Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law. | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| 245 | Unlawfully taking from a Mint any coining instrument | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| 246 | Fraudulently diminishing the weight or altering the composition of any Coin. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 3 years, and fine. | Court of Session or Magistrate of the District. |

| | | | | | | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|-------|-----|----------|-----|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| 247 | Transferring, diminishing the weight or altering the composition of the Queen's Coin. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 3 years, and fine. | Court of Session. |
| 248 | Altering appearance of any Coin with intent that it shall pass as a Coin of a different description. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 3 years, and fine. | Court of Session or Magistrate of the District. |
| | Altering appearance of the Queen's Coin with intent that it shall pass as a Coin of a different description. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 7 years, and fine. | Court of Session. |
| 250 | Delivery to another of Coin possessed with the knowledge that it is altered. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 5 years, and fine. | Ditto. |
| 251 | Delivery of Queen's Coin possessed with the knowledge that it is altered... | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 10 years, and fine. | Ditto. |
| 252 | Possession of altered Coin by a person who knew it to be altered when he became possessed thereof. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 3 years, and fine. | Court of Session or Magistrate of the District. |
| 253 | Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 5 years, and fine. | Court of Session. |
| 254 | Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 2 years, or fine of ten times the value of the Coin. | Magistrate of the District, or Sub-ordinate Magistrate of 1st Class. |
| 255 | Counterfeiting a Government stamp | Ditto | ... | Ditto | ... | Bailable | ... | Imprisonment of either description for 10 years, and fine. | Court of Session. |
| 256 | Having possession of an instrument or material for the purpose of counterfeiting a Government stamp. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 7 years, and fine. | Ditto. |
| 257 | Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp. | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | Ditto. |
| 258 | Sale of counterfeit Government stamp | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | Ditto. |
| 259 | Having possession of a counterfeit Government stamp | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | Ditto. |
| 260 | Using as genuine a Government stamp known to be counterfeit | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 7 years, or fine, or both. | Ditto. |
| 261 | Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 3 years, or fine, or both. | Court of Session or Magistrate of the District. |
| 262 | Using a Government stamp known to have been before used | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 2 years, or fine, or both. | Magistrate of the District, or Sub-ordinate Magistrate of 1st Class. |

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(Continued.)

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest with- out warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|---------------|----------------------------------------------------------|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------------|----------------------------------------------------------------------|-------------------------------------------------------|
| 263 | Erasure of mark denoting that stamp has been used | May arrest with- out warrant. | Warrant ... | Bailable ... | Imprisonment of either description for 3 years, or fine, or both. | Court of Session or Magistrate of the District. |

CHAPTER XIII—OFFENCES RELATING TO WEIGHTS AND MEASURES.

| | | | | | | |
|-----|----------------------------------------------------------------------------|--------------------------------------|-------------|--------------|---------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 264 | Fraudulent use of false instrument for weighing | Shall not arrest without warrant. | Summons ... | Bailable ... | Imprisonment of either description for 1 year, or fine, or both. | Magistrate of the District, or Subor- dinate Magistrate of 1st Class. |
| 265 | Fraudulent use of false weight or measure | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| 266 | Being in possession of false weights or measures for fraudulent use | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| 267 | Making or selling false weights or measures for fraudulent use | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |

CHAPTER XIV—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.

| | | | | | | |
|-----|-------------------------------------------------------------------------------------------------------|--------------------------------------|-------------|--------------|-----------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 269 | Negligently doing any act known to be likely to spread infection of any disease dangerous to life. | May arrest without warrant. | Summons ... | Bailable ... | Imprisonment of either description for 6 months, or fine, or both. | Magistrate of the District, or Sub- ordinate Magistrate of 1st Class. |
| 270 | Malignantly doing any act known to be likely to spread infection of any disease dangerous to life. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 2 years, or fine, or both. | |
| 271 | Knowingly disobeying any quarantine rule | Shall not arrest without warrant. | Ditto ... | Ditto ... | Imprisonment of either description for 6 months, or fine, or both. | Ditto. |

| 272 | Adulterating food or drink for such intended for sale so as to make the same noxious. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both. | Ditto. |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-----|---------|-----|-------|-----|------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 273 | Selling any food or drink as food and drink for man knowing the same to be noxious. | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | Ditto. |
| 274 | Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious. | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | Ditto. |
| 275 | Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated. | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | Ditto. |
| 276 | Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation. | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | Ditto. |
| 277 | Defiling the water of a public spring or reservoir | May arrest without warrant. | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 3 months, or fine of 500 rupees, or both. | Any Magistrate. |
| 278 | Making atmosphere noxious to health... .. | Shall not arrest without warrant. | ... | Ditto | ... | Ditto | ... | Fine of 500 rupees | Ditto. |
| 279 | Driving or riding on a public way so rashly or negligently as to endanger human life, &c. | May arrest without warrant. | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both. | Ditto. |
| 280 | Navigating any vessel so rashly or negligently as to endanger human life, &c. | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 281 | Exhibition of a false light, mark, or buoy | Ditto | ... | Warrant | ... | Ditto | ... | Imprisonment of either description for 7 years, or fine, or both. | Court of Session. |
| 282 | Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life. | Ditto | ... | Summons | ... | Ditto | ... | Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 283 | Causing danger, obstruction, or injury in any public way or line of navigation. | Ditto | ... | Ditto | ... | Ditto | ... | Fine of 200 rupees | Ditto. |
| 284 | Dealing with any poisonous substance so as to endanger human life, &c. ... | Shall not arrest without warrant. | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both. | Ditto. |
| 285 | Dealing with fire or any combustible matter so as to endanger human life, &c. | May arrest without warrant. | ... | Ditto | ... | Ditto | ... | Ditto | Any Magistrate. |

CHAPTER XIV—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS—(Continued.)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Section. | Offence. | Whether the Police may arrest without warrant or not. | Whether a warrant or a summons shall ordinarily issue in the first instance. | Whether bailable or not. | Punishment under the Indian Penal Code. | By what Court triable. |
| 286 | So dealing with any explosive substance | May arrest without warrant. | Summons ... | Bailable ... | Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both. | Any Magistrate. |
| 287 | So dealing with any machinery | Shall not arrest without warrant. | Ditto ... | Ditto ... | Ditto | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 288 | A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it. | Ditto ... | Ditto ... | Ditto ... | Ditto | Ditto. |
| 289 | A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal. | May arrest without warrant. | Ditto ... | Ditto ... | Ditto | Any Magistrate. |
| 290 | Committing a public nuisance | Shall not arrest without warrant. | Ditto ... | Ditto ... | Fine of 200 rupees | Ditto. |
| 291 | Continuance of nuisance after injunction to discontinue | May arrest without warrant. | Ditto ... | Ditto ... | Simple imprisonment for 6 months, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 292 | Sale, &c., of obscene books, &c. | Ditto ... | Warrant ... | Ditto ... | Imprisonment of either description for 3 months, or fine, or both. | Ditto. |
| 293 | Having in possession obscene book, &c., for sale or exhibition | Ditto ... | Ditto ... | Ditto ... | Ditto | Ditto. |
| 294 | Obscene songs | Ditto ... | Ditto ... | Ditto ... | Ditto | Ditto. |

CHAPTER XV—OFFENCES RELATING TO RELIGION.

| | | | | | | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------|-----|----------|-----|-------------------------------------------------------------------|-----------------------------|
| 295 | Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons. | May arrest without warrant. | Summons | ... | Bailable | ... | Imprisonment of either description for 2 years, or fine, or both. | Magistrate of the District. |
| 296 | Causing a disturbance to an assembly engaged in religious worship | Ditto | Ditto | ... | Ditto | ... | Imprisonment of either description for 1 year, or fine, or both. | Ditto. |
| 297 | Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse. | Ditto | Ditto | ... | Ditto | ... | Ditto | Ditto |
| 298 | Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings. | Shall not arrest without warrant. | Ditto | ... | Ditto | ... | Ditto | Ditto. |

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY.

Offences affecting life.

| | | | | | | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------|-----|--------------|-----|----------------------------------------------------------------------------------------|-------------------|
| 302 | Murder | May arrest without warrant. | Warrant | ... | Not bailable | ... | Death, transportation for life, and fine. | Court of Session. |
| 303 | Murder by a person under sentence of transportation for life. | Ditto | Ditto | ... | Ditto | ... | Death | Ditto. |
| 304 | Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c. | Ditto | Ditto | ... | Ditto | ... | Transportation for life, or imprisonment of either description for 10 years, and fine. | Ditto. |
| | If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c. | Ditto | Ditto | ... | Ditto | ... | Imprisonment of either description for 10 years, or fine, or both. | Ditto. |
| 305 | Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated. | Ditto | Ditto | ... | Ditto | ... | Death, or transportation for life, or imprisonment for 10 years, and fine. | Ditto. |
| 306 | Abetting the commission of suicide | Ditto | Ditto | ... | Ditto | ... | Imprisonment of either description for 10 years, and fine. | Ditto. |
| 307 | Attempt to murder | Ditto | Ditto | ... | Ditto | ... | Ditto | Ditto. |
| | If such act cause hurt to any person | Ditto | Ditto | ... | Ditto | ... | Transportation for life, or as above | Ditto. |
| 308 | Attempt to commit culpable homicide | Ditto | Ditto | ... | Bailable | ... | Imprisonment of either description for 3 years, or fine, or both. | Ditto. |

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—(Continued).

Offences affecting life—(Continued.)

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|---------------|---------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------|----------------------------------------------------------------------|--------------------------------|
| | If such act cause hurt to any person | May arrest without warrant. | Warrant ... | Bailable ... | Imprisonment of either description for 7 years, or fine, or both. | Court of Session. |
| 309 | Attempt to commit suicide | Ditto ... | Ditto ... | Ditto ... | Simple imprisonment for 1 year, and fine. | Magistrate of the District. |
| 311 | Being a thug | Ditto ... | Ditto ... | Not bailable ... | Transportation for life, and fine. | Court of Session. |

Of the causing of Miscarriage ; of injuries to unborn children ; of the exposure of infants ; and of the concealment of births.

| | | | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------|------------------|-------------------------------------------------------------------------------------------|-------------------|
| 312 | Causing miscarriage | Shall not arrest without warrant. | Warrant ... | Bailable ... | Imprisonment of either description for 3 years, or fine, or both. | Court of Session. |
| | If the woman be quick with child | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, and fine. | Ditto. |
| 313 | Causing miscarriage without woman's consent | Ditto ... | Ditto ... | Not bailable ... | Transportation for life, or imprisonment of either description for 10 years, and fine. | Ditto. |
| 314 | Death caused by an act done with intent to cause miscarriage | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 10 years, and fine. | Ditto. |
| | If act done without woman's consent | Ditto ... | Ditto ... | Ditto ... | Transportation for life, or as above. | Ditto. |
| 315 | Act done with intent to prevent a child being born alive, or to cause it to die after its birth. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 10 years, or fine, or both. | Ditto. |
| 316 | Causing death of a quick unborn child by an act amounting to culpable homicide. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 10 years, and fine. | Ditto. |
| 317 | Exposure of a child under 12 years by parent or person having care of it with intention of wholly abandoning it. | May arrest without warrant. | Ditto ... | Bailable ... | Imprisonment of either description for 7 years, or fine, or both. | Ditto. |

| Of Hurt. | | | | | | | District. |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------|-----|--------------|-----|------------------------------------------------------------------------------------------|
| 323 | Voluntarily causing hurt | Shall not arrest without warrant. | Summons | ... | Bailable | ... | Any Magistrate. |
| 324 | Voluntarily causing hurt by dangerous weapons or means | May arrest without warrant. | Ditto | ... | Ditto | ... | Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 325 | Voluntarily causing grievous hurt | Ditto | Ditto | ... | Ditto | ... | Ditto. |
| 326 | Voluntarily causing grievous hurt by dangerous weapons or means | Ditto | Ditto | ... | Not bailable | ... | Court of Session. |
| 327 | Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence. | Ditto | Warrant | ... | Ditto | ... | Ditto. |
| 328 | Administering stupefying drug with intent to cause hurt | Ditto | Ditto | ... | Ditto | ... | Ditto. |
| 329 | Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence. | Ditto | Ditto | ... | Ditto | ... | Ditto. |
| 330 | Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c. | Ditto | Ditto | ... | Bailable | ... | Ditto. |
| 331 | Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c. | Ditto | Ditto | ... | Not bailable | ... | Ditto. |
| 332 | Voluntarily causing hurt to deter public servant from his duty | Ditto | Ditto | ... | Bailable | ... | Court of Session, or Magistrate of the District. |
| 333 | Voluntarily causing grievous hurt to deter public servant from his duty. | Ditto | Ditto | ... | Not bailable | ... | Court of Session. |
| 334 | Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation. | Ditto | Summons | ... | Bailable | ... | Any Magistrate. |

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—(Continued).

Of Hurt—(Continued).

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|---------------|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 335 | Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation. | May arrest without warrant. | Summons ... | Bailable | Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both. | Court of Session, or Magistrate of the District. |
| 336 | Doing any act which endangers human life or the personal safety of others | Ditto .. | Ditto ... | Ditto .. | Imprisonment of either description for 3 months, or fine of 250 rupees, or both. | Any Magistrate. |
| 337 | Causing hurt by an act which endangers human life, &c. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 6 months, or fine of 500 rupees, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 338 | Causing grievous hurt by an act which endangers human life, &c. ... | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both. | Ditto. |

Of wrongful Restraint and wrongful Confinement.

| | | | | | | |
|-----|----------------------------------------------------|-----------------------------|-------------|-----------|----------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 341 | Wrongfully restraining any person | May arrest without warrant. | Summons ... | Bailable | Simple imprisonment for 1 month, or fine of 500 rupees, or both. | Any Magistrate. |
| 342 | Wrongfully confining any person | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 343 | Wrongfully confining for three or more days | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 2 years, or fine, or both. | Ditto. |
| 344 | Wrongfully confining for ten or more days | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 3 years, or fine. | Court of Session, or Magistrate of the District. |

| | | | | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-------|-------|------------------------------------------------------------------------------------------------------|--------|
| 343 | Rescuing any person in wrongful confinement, knowing that a writ has been issued for his liberation. | Shall not arrest without warrant. | Ditto | Ditto | Imprisonment of either description for 2 years, in addition to imprisonment under any other section. | Ditto. |
| 346 | Wrongful confinement in secret | May arrest without warrant. | Ditto | Ditto | Ditto | Ditto. |
| 347 | Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c. | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | Ditto. |
| 348 | Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c. | Ditto | Ditto | Ditto | Ditto | Ditto. |

Of Criminal Force and Assault.

| | | | | | | |
|-----|-------------------------------------------------------------------------------------------------------------|-----------------------------------|---------|--------------|----------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 352 | Assault or use of criminal force otherwise than on grave provocation | Shall not arrest without warrant. | Summons | Bailable | Imprisonment of either description for 3 months, or fine of 500 rupees, or both. | Any Magistrate. |
| 353 | Assault or use of criminal force to deter a public servant from discharge of his duty. | May arrest without warrant. | Warrant | Ditto | Imprisonment of either description for 2 years, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 354 | Assault or use of criminal force to a woman with intent to outrage her modesty. | Ditto | Ditto | Ditto | Ditto | Ditto. |
| | Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation. | Shall not arrest without warrant. | Summons | Ditto | Ditto | Ditto. |
| 356 | Assault or criminal force in attempt to commit theft of property worn or carried by a person. | May arrest without warrant. | Warrant | Not bailable | Ditto | Any Magistrate. |
| 357 | Assault or use of criminal force in attempt wrongfully to confine a person. | Ditto | Ditto | Bailable | Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both. | Ditto. |
| 358 | Assault or use of criminal force on grave and sudden provocation. | Shall not arrest without warrant. | Summons | Ditto | Simple imprisonment for 1 month, or fine of 200 rupees, or both. | Ditto. |

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour.

| | | | | | | |
|-----|------------|----------------------------|---------|--------------|-----------------------------------------------------------|-------------------|
| 363 | Kidnapping | May arrest without warrant | Warrant | Not bailable | Imprisonment of either description for 7 years, and fine. | Court of Session. |
|-----|------------|----------------------------|---------|--------------|-----------------------------------------------------------|-------------------|

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—(Continued.)

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour—(Continued.)

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|---------------|---------------------------------------------------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------|----------------------------------------------------------------------------------------|--------------------------------|
| 364 | Kidnapping or abducting in order to murder | May arrest without warrant. | Warrant ... | Not bailable ... | Transportation for life, or rigorous imprisonment for 10 years, and fine. | Court of Session. |
| 365 | Kidnapping or abducting with intent secretly and wrongfully to confine a person. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, and fine. | Ditto. |
| 366 | Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 10 years, and fine. | Ditto. |
| 367 | Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c. | Ditto ... | Ditto ... | Ditto ... | Ditto | Ditto. |
| 368 | Concealing or keeping in confinement a kidnapped person | Ditto ... | Ditto ... | Ditto ... | Punishment for kidnapping or abduction ... | Ditto. |
| 369 | Kidnapping or abducting a child with intent to take property from the person of such child. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, and fine. | Ditto. |
| 370 | Buying or disposing of any person as a slave | Shall not arrest without warrant. | Ditto ... | Bailable ... | Ditto | Ditto. |
| 371 | Habitual dealing in slaves | May arrest without warrant. | Ditto ... | Not bailable ... | Transportation for life, or imprisonment of either description for 10 years, and fine. | Ditto. |
| 37 | Selling or letting to hire a minor for the purpose of prostitution | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 10 years, and fine. | Ditto. |
| 373 | Buying or obtaining possession of a minor for the same purpose | Ditto ... | Ditto ... | Ditto ... | Ditto | Ditto. |
| 374 | Unlawful compulsory labour | Ditto ... | Ditto ... | Bailable ... | Imprisonment of either description for 1 year, or fine, or both. | Any Magistrate. |

| | | | | | | |
|-----|-------------|-----------------------------|-------------|------------------|----------------------------------------------------------------------------------------|-------------------|
| 376 | Rape | May arrest without warrant. | Warrant ... | Not bailable ... | Transportation for life, or imprisonment of either description for 10 years, and fine. | Court of Session. |
|-----|-------------|-----------------------------|-------------|------------------|----------------------------------------------------------------------------------------|-------------------|

Of Unnatural Offences.

| | | | | | | |
|-----|---------------------------|-----------------------------|-------------|------------------|----------------------------------------------------------------------------------------|-------------------|
| 377 | Unnatural offences | May arrest without warrant. | Warrant ... | Not bailable ... | Transportation for life, or imprisonment of either description for 10 years, and fine. | Court of Session. |
|-----|---------------------------|-----------------------------|-------------|------------------|----------------------------------------------------------------------------------------|-------------------|

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY.

Of Theft.

| | | | | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------|------------------|-------------------------------------------------------------------|--------------------------------------------------|
| 379 | Theft | May arrest without warrant. | Warrant ... | Not bailable ... | Imprisonment of either description for 3 years, or fine, or both. | Any Magistrate. |
| 380 | Theft in a building, tent, or vessel... | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, and fine. | Ditto. |
| 381 | Theft by clerk or servant of property in possession of master or employer... | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Court of Session, or Magistrate of the District. |
| 382 | Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it. | Ditto .. | Ditto ... | Ditto ... | Rigorous imprisonment for 10 years, and fine. | Court of Session. |

Of Extortion.

| | | | | | | |
|-----|-------------------------------------------------------------------------------|--------------------------------------|-------------|--------------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 384 | Extortion | Shall not arrest without warrant ... | Warrant ... | Bailable ... | Imprisonment of either description for 3 years, or fine, or both. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 385 | Putting or attempting to put in fear of injury, in order to commit extortion. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 2 years, or fine, or both. | Ditto. |

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY—(Continued.)

Of Extortion—(Continued.)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------|------------------------|
| Section. | Offence. | Whether the Police may arrest without warrant or not. | Whether a warrant or a summons shall ordinarily issue in the first instance. | Whether bailable or not. | Punishment under the Indian Penal Code. | By what Court triable. |
| 386 | Extortion by putting a person in fear of death or grievous hurt | Shall not arrest without warrant. | Warrant ... | Not bailable | Imprisonment of either description for 10 years, and fine. | Court of Session. |
| 387 | Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, and fine. | Ditto. |
| 388 | Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 10 years, and fine. | Ditto. |
| | If the offence threatened be an unnatural offence | Ditto ... | Ditto ... | Ditto ... | Transportation for life. | Ditto. |
| 389 | Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 10 years, and fine. | Ditto. |
| | If the offence be an unnatural offence, | Ditto ... | Ditto ... | Ditto ... | Transportation for life. | Ditto. |

Of Robbery and Dacoity.

| | | | | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------|------------------|---------------------------------------------------------------------------|--------------------------------------------------|
| 392 | Robbery | May arrest without warrant. | Warrant ... | Not bailable ... | Rigorous imprisonment for 10 years, and fine. | Court of Session, or Magistrate of the District. |
| | If committed on the highway between sunset and sunrise | Ditto ... | Ditto ... | Ditto ... | Rigorous imprisonment for 14 years, and fine. | Ditto. |
| 393 | Attempt to commit robbery | Ditto ... | Ditto ... | Ditto ... | Rigorous imprisonment for 7 years, and fine. | Ditto. |
| 394 | Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery. | Ditto ... | Ditto ... | Ditto ... | Transportation for life, or rigorous imprisonment for 10 years, and fine. | Court of Session. |
| 395 | Dacoity | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |

| | | | | | | |
|-----|---------------------------------------------------------------------------------------------------------|----------------------------------|---------|--------------|-------------------------------------------------------------------------------------|-------------------|
| 396 | Murder in dacoity | May arrest with- out warrant. | Warrant | Not bailable | Death, transportation for life, or rigorous imprisonment for 10 years, and fine. | Court of Session. |
| 397 | Robbery or dacoity with attempt to cause death or grievous hurt ... | Ditto | Ditto | Ditto | Rigorous imprisonment for not less than 7 years. | Ditto. |
| 398 | Attempt to commit robbery or dacoity when armed with deadly weapon ... | Ditto | Ditto | Ditto | Ditto | Ditto. |
| 399 | Making preparation to commit dacoity | Ditto | Ditto | Ditto | Rigorous imprisonment for 10 years, and fine. | Ditto. |
| 400 | Belonging to a gang of persons associated for the purpose of habitually committing dacoity. | Ditto | Ditto | Ditto | Transportation for life, or as above | Ditto. |
| 401 | Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts. | Ditto | Ditto | Ditto | Rigorous imprisonment for 7 years, and fine | Ditto. |
| 402 | Being one of five or more persons assembled for the purpose of committing dacoity. | Ditto | Ditto | Ditto | Ditto | Ditto. |

Of Criminal Misappropriation of Property.

| | | | | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------|----------|----------------------------------------------------------------------|--------------------------------------------------------|
| 403 | Dishonest misappropriation of moveable property or converting it to one's own use | Shall not arrest with- out warrant. | Warrant | Bailable | Imprisonment of either description for 2 years, or fine, or both. | Any Magistrate. |
| 404 | Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it. | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | Court of Session, or Magistrate of the District. |
| | If by clerk or person employed by deceased | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | Ditto. |

Of Criminal Breach of Trust.

| | | | | | | |
|-----|---------------------------------|--------------------------------|---------|--------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| 406 | Criminal breach of trust | May arrest without warrant. | Warrant | Not bailable | Imprisonment of either description for 3 years, or fine, or both. | Court of Session, or Magistrate of the District, or Sub- ordinate Magistrate of 1st Class. |
|-----|---------------------------------|--------------------------------|---------|--------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|

CHAPTER XVII—OFFENCES AGAINST PROPERTY—(Continued.)

Of Criminal Breach of Trust—(Continued.)

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|---------------|-----------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------------------------|--------------------------------------------------|
| 407 | Criminal breach of trust by a carrier, wharfinger, &c. ... | May arrest without warrant. | Warrant ... | Not bailable ... | Imprisonment of either description for 7 years, and fine. | Court of Session, or Magistrate of the District. |
| 408 | Criminal breach of trust by a clerk or servant ... | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| 409 | Criminal breach of trust by public servant, or by banker, merchant, or agent, &c. | Shall not arrest without warrant. | Ditto ... | Ditto ... | Transportation for life, or imprisonment of either description for 10 years, and fine. | Ditto. |

Of the receiving of Stolen Property.

| | | | | | | |
|-----|-----------------------------------------------------------------------------------|-----------------------------|-------------|------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 411 | Dishonestly receiving stolen property knowing it to be stolen... | May arrest without warrant. | Warrant ... | Not bailable ... | Imprisonment of either description for 3 years, or fine, or both. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 412 | Dishonestly receiving stolen property, knowing that it was obtained by dacoity. | Ditto ... | Ditto ... | Ditto ... | Transportation for life, or rigorous imprisonment for 10 years, and fine. | Court of Session. |
| 413 | Habitually dealing in stolen property ... | Ditto ... | Ditto ... | Ditto ... | Transportation for life, or imprisonment of either description for 10 years, and fine. | Ditto. |
| 414 | Assisting in concealment or disposal of stolen property, knowing it to be stolen. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 3 years, or fine, or both. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class. |

Of Cheating.

| | | | | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------|----------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 417 | Cheating | Shall not arrest without warrant. | Warrant | Bailable | Imprisonment of either description for 1 year, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 418 | Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect. | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, or fine, or both. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 419 | Cheating by personation | Ditto | Ditto | Ditto | Ditto | Ditto. |
| 420 | Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security. | Ditto | Ditto | Ditto | Imprisonment of either description for 7 years, and fine. | Court of Session, or Magistrate of the District. |

Of Fraudulent Deeds and Dispositions of Property.

| | | | | | | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------|-------|----------|-------|-------------------------------------------------------------------|---------------------------------------------------------------------|
| 421 | Fraudulent removal or concealment of property, &c., to prevent distribution among creditors. | Shall not arrest without warrant. | Warrant | ... | Bailable | ... | Imprisonment of either description for 2 years, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 422 | Fraudulently preventing from being made available for his creditors a debt or demand due to the offender. | Ditto | ... | Ditto | ... | Ditto | ... | Ditto. |
| 423 | Fraudulent execution of deed of transfer containing a false statement of consideration. | Ditto | ... | Ditto | ... | Ditto | ... | Ditto. |
| 424 | Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled. | Ditto | ... | Ditto | ... | Ditto | ... | Ditto. |

Of Mischief.

| | | | | | | |
|-----|-----------------|-----------------------------------|-------------|--------------|--------------------------------------------------------------------|-----------------|
| 426 | Mischief | Shall not arrest without warrant. | Summons ... | Bailable ... | Imprisonment of either description for 3 months, or fine, or both. | Any Magistrate. |
|-----|-----------------|-----------------------------------|-------------|--------------|--------------------------------------------------------------------|-----------------|

CHAPTER XVII—OFFENCES AGAINST PROPERTY—(Continued.)

Of Mischief—(Continued.)

| 1. Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 427 | Mischief, and thereby causing damage to the amount of 50 rupees or upwards. | Shall not arrest without warrant. | Warrant ... | Bailable ... | Imprisonment of either description for 2 years, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 428 | Mischief by killing, poisoning, maiming or rendering useless, any animal of the value of 10 rupees or upwards. | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| 429 | Mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 5 years, or fine, or both. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 430 | Mischief by causing diminution of supply of water for agricultural purposes, &c. | May arrest without warrant. | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| 431 | Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling, or conveying property. | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| 432 | Mischief by causing inundation or obstruction to public drainage attended with damage. | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| 433 | Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, or fine, or both. | Court of Session. |
| 434 | Mischief by destroying or moving, &c., a landmark fixed by public authority | Shall not arrest without warrant. | Ditto ... | Ditto ... | Imprisonment of either description for 1 year, or fine, or both. | Magistrate of the District or Subordinate Magistrate of 1st Class. |
| 435 | Mischief by using explosive substance with intent to cause damage to property of any person or upwards. | May arrest without warrant. | Ditto ... | Ditto ... | Imprisonment of either description for 7 years and fine. | Court of Session. |

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|-----|-----------------------------------------------------------------------------------------------|-------|-------|--------------|----------------------------------------------------------------------------------------|--------|
| 436 | Mischief by fire or explosive substance, with intent to destroy a house, &c. | Ditto | Ditto | Not bailable | Transportation for life, or imprisonment of either description for 10 years, and fine. | Ditto. |
| 437 | Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden. | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years, and fine. | Ditto. |
| 438 | The mischief described in the last section when committed by fire or any explosive substance | Ditto | Ditto | Ditto | Transportation for life, or imprisonment of either description for 10 years, and fine. | Ditto. |
| 439 | Running vessel ashore with intent to commit theft, &c. | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years, and fine. | Ditto. |
| 440 | Mischief committed after preparation made for causing death or hurt, &c. | Ditto | Ditto | Ditto | Imprisonment of either description for 5 years, and fine. | Ditto. |

Of Criminal Trespass.

| | | | | | | |
|-----|--------------------------------------------------------------------------------------------------|-----------------------------|---------|--------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 447 | Criminal trespass | May arrest without warrant. | Summons | Bailable | Imprisonment of either description for 3 months, or fine of 500 rupees, or both. | Any Magistrate. |
| 448 | House-trespass | Ditto | Warrant | Ditto | Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both. | Ditto. |
| 449 | House-trespass in order to the commission of an offence punishable with death. | Ditto | Ditto | Not bailable | Transportation for life, or rigorous imprisonment for 10 years, and fine. | Court of Session. |
| 450 | House-trespass in order to the commission of an offence punishable with transportation for life. | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years, and fine. | Ditto. |
| 451 | House-trespass in order to the commission of an offence punishable with imprisonment. | Ditto | Ditto | Bailable | Imprisonment of either description for 2 years, and fine. | Any Magistrate. |
| | If the offence is theft | Ditto | Ditto | Not bailable | Imprisonment of either description for 7 years, and fine. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 452 | House-trespass, having made preparation for causing hurt, assault, &c. | Ditto | Ditto | Ditto | Ditto | Ditto |
| 453 | Lurking house-trespass or house-breaking | Ditto | Ditto | Ditto | Imprisonment of either description for 2 years, and fine. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |

CHAPTER XVII—OFFENCES AGAINST PROPERTY—(Continued.)

Of Criminal Trespass—(continued.)

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|---------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 454 | Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment. | May arrest without warrant. | Warrant | Not bailable | Imprisonment of either description for 3 years, and fine. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| | If the offence is theft | Ditto | Ditto | Ditto | Imprisonment of either description for 10 years, and fine. | Ditto. |
| 455 | Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c. | Ditto | Ditto | Ditto | Ditto | Court of Session. |
| 456 | Lurking house-trespass or house-breaking by night | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, and fine. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 457 | Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment. | Ditto | Ditto | Ditto | Imprisonment of either description for 5 years, and fine. | Ditto. |
| | If the offence is theft | Ditto | Ditto | Ditto | Imprisonment of either description for 14 years, and fine. | Ditto. |
| 458 | Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c. | Ditto | Ditto | Ditto | Ditto | Court of Session. |
| 459 | Grievous hurt caused whilst committing lurking house-trespass or house-breaking. | Ditto | Ditto | Ditto | Transportation for life, or imprisonment of either description for 10 years, and fine. | Ditto. |
| 460 | Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c. | Ditto | Ditto | Ditto | Ditto | Ditto. |

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|-----|-------------------------------------------------------------------------------------------------------------------------------|-------|-----|-------|-----|-------|-----|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 461 | Disobediently receiving open or unfastening any closed receptacle containing or supposed to contain property. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 3 years, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 462 | Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 3 years, or fine, or both. | Court of Session or Magistrate of the District, or Subordinate Magistrate of 1st Class. |

CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

| | | | | | | | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-----|-------|-----|--------------|-----|----------------------------------------------------------------------------------------|-------------------|
| 465 | Forgery | ... | ... | ... | ... | ... | ... | Imprisonment of either description for 2 years, or fine, or both. | Court of Session. |
| 466 | Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant. | Ditto | ... | Ditto | ... | Not bailable | ... | Imprisonment of either description for 7 years, and fine. | Ditto. |
| 467 | Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c. | Ditto | ... | Ditto | ... | Ditto | ... | Transportation for life, or imprisonment of either description for 10 years, and fine. | Ditto. |
| | When the valuable security is a promissory note of the Government of India. | May arrest without warrant. | ... | Ditto | ... | Ditto | ... | Ditto | Ditto. |
| 468 | Forgery for the purpose of cheating | ... | ... | ... | ... | Ditto | ... | Imprisonment of either description for 7 years, and fine. | Ditto. |
| 469 | Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose. | Ditto | ... | Ditto | ... | Bailable | ... | Imprisonment of either description for 3 years, and fine. | Ditto. |
| 471 | Using as genuine a forged document which is known to be forged | Ditto | ... | Ditto | ... | Ditto | ... | Punishment for forgery | Ditto. |
| | When the forged document is a promissory note of the Government of India. | May arrest without warrant. | ... | Ditto | ... | Not bailable | ... | Ditto | Ditto. |
| 472 | Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit. | Shall not arrest without warrant. | ... | Ditto | ... | Ditto | ... | Transportation for life, or imprisonment of either description for 7 years, and fine. | Ditto. |
| 473 | Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 7 years, and fine. | Ditto. |
| 474 | Having possession of a document, knowing it to be forged, with intent to use it as genuine. | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | Ditto. |

CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—(Continued).

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| | If the document is a valuable security or will ... | Shall not arrest without warrant. | Warrant ... | Not bailable ... | Transportation for life, or as above ... | Court of Session: |
| 475 | Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material. | Ditto ... | Ditto ... | 1 ... | Ditto .. | Ditto. |
| 476 | Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material. | Ditto .. | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, and fine. | Ditto. |
| 477 | Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c. | Ditto ... | Ditto ... | Ditto ... | Transportation for life, or imprisonment of either description for 7 years, and fine. | Ditto. |
| <i>Of Trade and Property-Marks.</i> | | | | | | |
| 482 | Using a false trade or property-mark with intent to deceive or injure any person. | Shall not arrest without warrant. | Warrant ... | Bailable ... | Imprisonment of either description for 1 year, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 483 | Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 2 years, or fine, or both. | Ditto. |
| 484 | Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property. | Ditto ... | Summons ... | Ditto ... | Imprisonment of either description for 3 years, and fine. | Court of Session, or Magistrate of the District. |
| 485 | Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 3 years, or fine, or both. | Ditto. |

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|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|-------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 487 | Knowingly selling goods marked with a counterfeit property or trade-mark | Ditto | Ditto | Ditto | Imprisonment of either description for 1 year, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 488 | Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c. | Ditto | Ditto | Ditto | Imprisonment of either description for 3 years, or fine, or both. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 489 | Making use of any such false mark | Ditto | Ditto | Ditto | Ditto | Ditto. |
| 490 | Removing, destroying, or defacing any property-mark with intent to cause injury. | Ditto | Ditto | Ditto | Imprisonment of either description for 1 year, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |

CHAPTER XIX—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

| | | | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------|----------|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 490 | Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so. | Shall not arrest without warrant. | Summons | Bailable | Imprisonment of either description for 1 month, or fine of 100 rupees, or both. | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| 491 | Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so. | Ditto | Ditto | Ditto | Imprisonment of either description for 3 months, or fine of 200 rupees, or both. | Ditto. |
| 492 | Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty. | Ditto | Ditto | Ditto | Imprisonment of either description for 1 month, or fine of double the expense incurred, or both. | Ditto. |

CHAPTER XX—OFFENCES RELATING TO MARRIAGE.

| | | | | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------|--------------|------------------------------------------------------------|-------------------|
| 493 | A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him; and to cohabit with him in that belief. | Shall not arrest without warrant. | Warrant | Not bailable | Imprisonment of either description for 10 years, and fine. | Court of Session. |
| 494 | Marrying again during the life-time of a husband or wife | Ditto | Ditto | Bailable | Imprisonment of either description for 7 years, and fine. | Ditto. |

CHAPTER XX—OFFENCES RELATING TO MARRIAGE—(Continued).

| 1 Section. | 2 Offence. | 3 Whether the Police may arrest without warrant or not. | 4 Whether a warrant or a summons shall ordinarily issue in the first instance. | 5 Whether bailable or not. | 6 Punishment under the Indian Penal Code. | 7 By what Court triable. |
|---------------|---------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------|-------------------------------------------------------------------|-----------------------------|
| 495 | Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted. | Shall not arrest without warrant. | Warrant ... | Not bailable ... | Imprisonment of either description for 10 years, and fine. | Court of Session. |
| 496 | A person with fraudulent intention going through the ceremony of being married knowing that he is not thereby lawfully married. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, and fine. | Ditto. |
| 497 | Adultery ... | Ditto ... | Ditto ... | Bailable ... | Imprisonment of either description for 5 years, or fine, or both. | Ditto. |
| 498 | Enticing or taking away or detaining with a criminal intent a married woman. | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 2 years, or fine, or both. | Magistrate of the District. |

CHAPTER XXI—OF DEFAMATION.

| | | | | | | |
|-----|--------------------------------------------------------------------------------------------------------|-----------------------------------|-------------|--------------|----------------------------------------------------|--------------------------------------------------|
| 500 | Defamation ... | Shall not arrest without warrant. | Warrant ... | Bailable ... | Simple imprisonment for 2 years, or fine, or both. | Court of Session, or Magistrate of the District. |
| 501 | Printing or engraving matter knowing it to be defamatory ... | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |
| 502 | Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter. | Ditto ... | Ditto ... | Ditto ... | Ditto ... | Ditto. |

CHAPTER XXII—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

| | | | | | | |
|-----|-------------------------------------------------------------------------------------------------------------|-----------------------------------|-------------|------------------|-------------------------------------------------------------------|---------------------------------------------------------------------|
| 504 | Insult intended to provoke a breach of the peace ... | Shall not arrest without warrant. | Warrant ... | Bailable ... | Imprisonment of either description for 2 years, or fine, or both. | Any Magistrate. |
| 505 | False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace. | Ditto ... | Ditto ... | Not bailable ... | Ditto ... | Magistrate of the District. |
| 506 | Criminal intimidation ... | Ditto ... | Ditto ... | Bailable ... | Ditto ... | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| | If threat be to cause death or grievous hurt, &c. ... | Ditto ... | Ditto ... | Ditto ... | Imprisonment of either description for 7 years, or fine, or both. | Court of Session, or Magistrate of the District. |

| | | | | | | | | | |
|-----|-----------------------------------------------------------------------------------------------------------------|-------|-----|-------|-----|-------|-----|----------------------------------------------------------------------------------------------------|-----------------------------|
| 507 | Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 2 years, in addition to the punishment under above section. | Ditto. |
| 508 | Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure. | Ditto | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for 1 year, or fine, or both. | Magistrate of the District. |
| 509 | Uttering any word or making any gesture intended to insult the modesty of a woman. | Ditto | ... | Ditto | ... | Ditto | ... | Simple imprisonment for 1 year, or fine, or both. | Ditto. |
| 510 | Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person. | Ditto | ... | Ditto | ... | Ditto | ... | Simple imprisonment for 24 hours, or fine of 10 rupees, or both. | Any Magistrate. |

CHAPTER XXIII—OF ATTEMPTS TO COMMIT OFFENCES.

| | | | | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| 511 | Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence. | According as the offence is one in respect of which the Police may arrest without warrant or not. | According as the offence is one in respect of which a summons or warrant shall ordinarily issue. | According as the offence contemplated by the offender is bailable or not. | Transportation or imprisonment not exceeding half of the longest term and of the description provided for the offence, or fine, or both. | By the Court by which the offence attempted is triable. |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|

OFFENCES AGAINST OTHER LAWS.

| | | | | | | | | |
|---------------------------------------------------------------------------------------|-----------------------------|-----------------------------------|---------|--------------|----------|-----|-------------------|---------------------------------------------------------------------|
| If punishable with death, transportation, or imprisonment for seven years or upwards. | May arrest without warrant. | Warrant | ... | Not bailable | ... | " | Court of Session. | |
| If punishable with imprisonment for more than three and less than seven years. | Ditto | ... | Ditto | ... | Ditto | ... | " | Court of Session, or Magistrate of the District. |
| If punishable with imprisonment for less than three years | ... | Shall not arrest without warrant. | Summons | ... | Bailable | ... | " | Magistrate of the District, or Subordinate Magistrate of 1st Class. |
| If punishable with fine only or with imprisonment for less than one year. | Ditto | ... | Ditto | ... | Ditto | ... | " | Any Magistrate. |

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th March 1869, and is hereby promulgated for general information:—

ACT No. IX of 1869.

THE INCOME TAX ACT, 1869.

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PART .

PRELIMINARY.

1. This Act may be called "The Indian Income Tax Act," and shall come into operation on the first day of April 1869.

Short title.
Commencement of Act.

2. Act No. IX of 1868 (*for taxing Professions and Trades*) is hereby repealed except as to taxes due under that Act.

3. In this Act—unless there be something repugnant in the subject or context—

“Magistrate” means any person exercising the powers of a Magistrate, or of a Subordinate Magistrate of the First Class, and includes a Magistrate of Police and a Justice of the Peace :

“Company” means an association carrying on business in British India whose stock or funds is or are divided into shares and transferable, whether such Company be incorporated or not and whether its principal place of business be situate in British India or not :

“Firm.” “Firm” includes a Hindú undivided family :

“Person.” “Person” includes a firm :

“Defaulter.” “Defaulter” includes a firm making default under this Act :

“Year of assessment.” “Year of assessment” means a year commencing on the first day of April :

In the case of any Company or Municipal or other public Body or Association not being a Company, “Collector” means the Collector of Land Revenue of the place or district at or in which its principal place of business in British India is situate. And in the case of any person chargeable under this Act, “Collector” means the Collector of Land Revenue of the place or district at or in which such person resides.

4. Nothing in this Act applies to the pay and allowances of officers, warrant officers, non-commissioned officers and privates of Her Majesty's Forces or of Her Majesty's Indian Forces, who are not in Civil employment, when such pay and allowances do not exceed Rs. 500 per mensem ;

Or to any moveable or immoveable property solely employed for or dedicated to religious or charitable public purposes.

And no member of a firm which is for the time being chargeable under this Act shall, as such, be chargeable under this Act.

5. The Governor General of India in Council may from time to time, by order, wholly exempt from the operation of this Act the whole or any part of the income and profits of any tribe or class of persons in British India.

The Governor General of India in Council may revoke any such order.

All orders and revocations made under this section shall be published in the *Gazette of India*.

PART II.

DUTIES ON OFFICES.

6. From the first day of April 1869, a duty of one per centum shall be levied in respect of every office or employment of profit in British India under Government or under a Company or a Municipal or other public Body or Association not being a Company, and upon every salary, annuity or pension paid in British India by Government or by a Company or by a Municipal or other public Body or Association not being a Company to any person residing in British India or serving on board a ship trading to and from British Indian ports, whether on account of himself or another person.

7. No income amounting to less than Rs. 41-10-8 per mensem shall be chargeable under this Part.

8. In the case of every person holding any paid office, employment or commission under Her Majesty or under the Government of India, or under any Local Government, or receiving any annuity or pension from Her Majesty or any such Government,

the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension at the time of payment by the Examiner of Claims or other proper officer, and shall be deemed to be a tax paid under this Act.

9. In the case of every person holding a paid employment under or receiving any annuity or pension from any Company, or any Municipal or other public Body or Association not being a Company, the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension at the time of payment by the Treasurer or other officer whose duty it is to make such payments, and shall be deemed to be a tax payable under this Act.

Every such Treasurer or other officer shall, as soon as may be after making such deductions, pay to the credit of the Government of India, or as such Government shall from time to time direct, the amount of such deductions, and shall be answerable to such Government for such payment.

Every Company, public Body or Association, Treasurer or other officer as aforesaid is hereby indemnified for all deductions and payments made in pursuance of this section.

The Treasurer, Secretary or principal Agent or Manager of every such Company and public Body or Association shall prepare, and, on or before the thirtieth day of April in this and every subsequent year, deliver to the Collector, in such form as may from time to time be prescribed by the Governor General of India in Council, a return in writing showing the names of every person holding at the date of the said return a paid employment under or receiving a pension or annuity from the Company or public Body or Association whose pay or pension or annuity as such amounts to rupees 41-10-8 per mensem or upwards, together with the salaries, annuities or pensions payable by the Company or public Body to all such persons respectively.

PART III.

COMPANIES.

10. In this and every subsequent year the Treasurer, Secretary or principal Agent or Manager in India of every Company shall,

in the case of a Shipping Company trading between British India and any other country, pay to Government the sum of one per centum on a moiety of the nett profits made by each of the ships of such Company engaged in such trade, during the year ending on the day on which the Company's accounts shall have been last made up,

and in the case of every other Company pay to Government one per centum on the whole of the nett profits made in British India by such Company during the year ending on the day on which the Company's accounts shall have been last made up;

and shall prepare, and, on or before the thirtieth day of April, deliver to the Collector a statement in writing signed by him showing the result of such accounts (if any).

In the case of any Company where no such accounts as are mentioned in this section have been made up within the year ending on the thirty-first day of March next before the year of assessment, the Treasurer, Secretary or principal Agent or Manager of such Company shall prepare, and, on or before the thirtieth day of April in such year, deliver to the Collector a return in writing signed by him and stating the nett profits made by such ships or by the Company (as the case may be) during the year ending on the thirty-first day of March next before the year of assessment.

Every such Treasurer, Secretary or principal Agent or Manager is hereby indemnified for all payments made in pursuance of this section.

PART IV.

DUTIES ON ALL OTHER INCOME AND PROFITS.

11. From the first day of April 1869, a yearly duty in accordance with Schedule A to this Act annexed shall be levied upon all income and profits accruing and arising in British India and not chargeable under Part II or Part III of this Act.

12. The trustee, guardian, curator, or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of such infant, married woman, lunatic or idiot whether such infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot be chargeable under this Part, be chargeable with the said duty in like manner and to the same amount as would be charged to such infant if of full age, or to such married woman if she were sole, or to such lunatic or idiot if he were capable of acting for himself.

Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income or profits chargeable under

this Part, shall be chargeable in the name of such agent, in the like manner and to the like amount as he would be charged if resident in British India, and in actual receipt of such income or profits.

13. Every such trustee, guardian, curator, committee or agent shall, when required by the Collector, deliver a statement signed by him, of the amount of the income or profits in respect whereof he is chargeable on account of such infant, married woman, lunatic, idiot or non-resident, together with a declaration of the truth of the statement.

14. The Collector shall from time to time determine what persons are chargeable under this Part, and the amount that every such person shall be assessed in accordance with the said Schedule; and in making such assessment income exempted under section seven shall be treated as chargeable under this Part.

15. In the case of a person for the first time becoming chargeable under this Part within the year of assessment, the computation shall be made according to an average of his income and profits for such period as the Collector shall, under the circumstances, direct.

16. The Collector shall cause a notice to be served on every person chargeable under this Part, stating—

- (1).—The name and the profession, trade or other source of the income or profits of such person;
 - (2).—The year or portion of the year for which the duty is to be paid;
 - (3).—The place or places, district or districts where his income or profits accrue or arise;
 - (4).—The amount to be paid;
- And requiring him within fifteen days from the date of the service to pay such amount.

17. Such amount shall be paid to the Collector, who shall grant a receipt for such payment to the person making the same:

Provided that, if such income or profits accrue or arise at or in more than one place or district, the receipt shall be granted and payment made by and to the Collector for the place or district at or in which the person mentioned in the notice resides, or (in the case of a firm) at or in which its principal place of business in British India is situated.

Every such receipt shall be signed by the Collector granting it, or by such other officer as he shall from time to time empower in this behalf, and such signature shall be judicially noticed.

18. Every such receipt shall specify—

- (1).—The name and source or sources of the income or profits of the person by or on whose behalf the duty is paid:

(2).—The year or portion of the year for which the duty is paid :

(3).—The amount paid, and the date of payment; and

(4).—The place or places, district or districts, where the income or profits accrues or arise; and shall be admissible as *prima facie* proof of all matters contained therein.

19. Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under this Part, may within the period mentioned in the said notice, or if the Collector is satisfied that the objector has not received such notice, then at any time within one month from the expiration of such period, apply by petition to the Collector in order to establish his right to have the assessment reduced or cancelled.

The petition shall be in the form contained in Schedule B to this Act annexed or as near thereto as circumstances admit: it shall bear a stamp of eight annas, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of complaints.

Whoever makes a statement in any such petition which is false, and which he either knows or believes to be false, or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

20. The Collector shall fix a day for the hearing of the petition, and, on the day so fixed, or on the day (if any) to which he has adjourned such hearing, shall hear such petition and pass his order thereon.

Such order may be in favour of the petitioner, or it may simply reject the petition, or it may reject the petition and enhance the petitioner's assessment to an amount to be specified in the order.

If the order be in favour of the petitioner, the Collector shall at once refund the value of the said stamp.

If the order simply reject the petition or reject the petition and enhance the petitioner's assessment, the petitioner shall within one week from the passing of the order pay the amount mentioned in the said notice or in the order of enhancement (as the case may be).

21. Any person dissatisfied with any order under section twenty may, within fifteen days from the date thereof, on payment of the sum in which he was assessed, or to which his assessment was enhanced, present an appeal in writing to the Commissioner of Revenue of the Division, whose decision upon such appeal shall be final.

Every appeal preferred under this section shall bear a stamp of one rupee, and shall be accompanied by a copy of the petition and the Collector's order thereon (both of which may be on unstamped paper), and all other documents (if any) connected with the case.

When the decision on such appeal is in favour of the appellant, the value of the stamp on his appeal, together with the excess paid by him, or (when the decision is that the petitioner is not chargeable under this Act), the whole sum so paid shall at once be refunded.

22. The Collector or Commissioner may summon any person whom he thinks able to give evidence for the purpose of enabling him to determine how the petitioner should be assessed, and may examine on oath the person so summoned and the petitioner, and may require each of them to produce any documents in his possession or power relating to the sources of the petitioner's income or profits accruing or arising in British India.

23. Whenever the Collector has reason to believe that, in assessing any person under this Act, any source of income or profits not specified in the receipt granted to him under section seventeen has been overlooked, which source, if it had then been known to exist, would have increased the assessment, the Collector may cause a further notice to be served on such person stating the amount to be paid in respect of such source, and the provisions contained in sections sixteen to twenty-two (both inclusive) shall apply to such notice and regulate the procedure thereunder.

PART V.

PENALTIES.

24. Every Treasurer, Secretary or principal Agent or Manager failing to make any payment or to prepare and deliver any return required by section nine,

or failing to make any payment or to prepare and deliver any statement or return required by section ten,

and every trustee, guardian, curator, committee or agent failing to deliver any statement or declaration required by section thirteen,

shall for every day during which such default continues, be fined, on conviction before a Magistrate, ten rupees.

The Commissioner of the Division shall have power to remit wholly or in part any penalty imposed under this section.

25. If any person served with notice under section sixteen does not within the period specified in the said notice pay the amount required thereby, he shall, on conviction before a Magistrate, be fined twice the amount mentioned in such notice: Provided that he has not presented a petition under section nineteen.

If any such person presents a petition under section nineteen and does not, within one week from the passing of the order thereon, pay the amount, if any, required by such order, he shall, on conviction before a Magistrate, be fined twice the amount mentioned in such order.

On the recovery of the fine from the person so convicted, the Collector shall grant him a receipt without any further payment.

Grant of receipt on recovery of fine.

Every such receipt shall bear date from the recovery of the fine, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

26. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras or Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

Mode of recovering fines.

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the firm or to all or any of the members thereof.

27. No person shall be proceeded against for any offence under section twenty-four or section twenty-five except at the instance of the Collector.

Prosecution to be at instance of Collector.

28. In sections 193 and 228 of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act.

Sections 193 and 228 of Penal Code to apply to proceedings under this Act.

PART VI.

PAYMENT.

29. All taxes under this Act, except when they are deducted under section eight or section nine, shall be payable on the first day of April in each year:

Tax when payable.

Instalments.

Provided that, in every case where the amount so payable equals or exceeds rupees twenty-four, it may be paid in each year by two equal instalments: the first instalment to be paid on some day not later than fifteen days after service of the notice mentioned in section sixteen upon the person paying the same, and the second instalment on the first day of October.

Payment by instalments.

30. When any person pays only such first instalment, and, between the first day of April and the second day of October, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade (if any) in respect of the profits arising from which he was assessed, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of his property in trust for the benefit of his creditors, the amount of the second instalment shall not be claimable.

Death or insolvency of person paying first instalment.

When any firm pays only such first instalment, and, between the first day of April and the second day of October, dissolves partnership, or takes the benefit of any Act for the relief of

Firm paying first instalment and dissolving partnership or becoming insolvent.

insolvent debtors, or conveys the whole of its property in trust for the benefit of its creditors, the amount of the second instalment shall not be claimable.

31. When any person pays the whole amount as aforesaid, and, between the first day of April and the second day of October, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade in respect of the profits arising from which he was assessed, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of his property in trust for the benefit of his creditors, one moiety of such amount shall be paid to his representative or himself or his assignee, as the case may be.

When any firm pays the whole amount as aforesaid, and, between the first day of April and the second day of October, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of its property in trust for the benefit of its creditors, one moiety of such amount shall be repaid under such rules as the Governor General of India in Council shall from time to time prescribe.

Firm paying whole amount and dissolving partnership or becoming insolvent.

32. If the Collector has caused a notice to be served on any person liable to pay the said second instalment and requiring him within seven days from the date of the service to pay the amount of such instalment (mentioning it), and if the person so served does not within that period pay such amount as required by the said notice, he shall on conviction before a Magistrate be fined twice the amount so mentioned.

Recovery under Revenue-law.

33. In any case of default under this Act arising outside the local limits of the towns of Calcutta, Madras or Bombay, the Collector may, if he thinks fit, and if the notice mentioned in section sixteen, twenty-three, or thirty-two (as the case may be) has been served on the defaulter, recover the amount of any tax or instalment payable under this Act as if it were an arrear of land revenue.

On the recovery of such amount from the defaulter, the Collector shall grant him a receipt without any further payment.

Every such receipt shall bear date from the recovery of the amount, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

34. A deduction equivalent to the amount paid by any person under the said Act No. IX of 1868, section five, for the month of April, 1869, shall be made from the first payment by such person under Part IV of this Act.

Deductions of certain payments under Act IX of 1868.

Payment of Taxes and Fines.

35. All taxes levied and all fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

Payment of taxes levied and fines recovered under this Act.

PART VII.

MISCELLANEOUS.

36. All or any of the powers and duties conferred and imposed by this Act on a Collector and on a Commissioner of Revenue may be exercised and performed by such other officers or persons as the Local Government shall from time to time appoint in this behalf.

37. Service of any notice under this Act shall be made by delivering or tendering a copy thereof under the signature of the Collector.

Whenever it may be practicable, the service of the notice shall be on the person therein named, or, in the case of a firm, on some member thereof.

When such person or member cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person or firm therein named ordinarily dwells or carries on business.

38. When any Company or firm has several places of business in the territories subject to different Local Governments, the Governor General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be the principal place of business, and, when any Company has several Agents or Managers, which of them shall,

for the purposes of this Act, be deemed to be the principal Agent or Manager.

When any Company or firm has several places of business in the territories subject to a single Local Government, such Government shall have power to declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

When any person has several places of residence in the territories subject to different Local Governments, the Governor General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence, and when any person has several places of residence in the territories subject to a single Local Government, such Government shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence.

The powers given by this section may be delegated to and exercised by such officers as the Governor General of India in Council or the Local Government, as the case may be, shall from time to time appoint in this behalf.

39. The Governor General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement, and may delegate to any Local Government the power given by this section so far as regards the territories subject to such Government.

SCHEDULE A.

Persons whose annual income or profits shall be assessed at not less than ...

| | | | | | | | | | | | | |
|--------------------------|---------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------|------------|------------|
| Rs. 500 but at less than | Rs. 750 | Rs. 1,000 | Rs. 1,500 | Rs. 2,000 | Rs. 3,000 | Rs. 4,000 | Rs. 6 0 0 | Rs. 8 8 0 | Rs. 12 0 0 | Rs. 17 0 0 | Rs. 24 0 0 | Rs. 34 0 0 |
| Ditto ditto | " " | " " | " " | " " | " " | " " | " " | " " | " " | " " | " " | " " |
| Ditto ditto | " " | " " | " " | " " | " " | " " | " " | " " | " " | " " | " " | " " |
| Ditto ditto | " " | " " | " " | " " | " " | " " | " " | " " | " " | " " | " " | " " |
| Ditto ditto | " " | " " | " " | " " | " " | " " | " " | " " | " " | " " | " " | " " |

And for every additional Rs. 1,000 of annual income or profits or fractional part thereof so long as the whole amount assessed is less than Rs. 10,000

shall pay an additional duty of Rs. 10.

Persons whose annual income or profits shall be assessed at not less than ...

| | | | | | |
|-----------------------------|------------|------------|----------------------|-------------|-------------|
| Rs. 10,000 but at less than | Rs. 12,500 | Rs. 15,000 | Rs. 12,500 shall pay | Rs. 110 0 0 | Rs. 135 0 0 |
| Ditto ditto | " " | " " | " " | " " | " " |

And for every additional Rs. 2,500 of annual profits or fractional part thereof so long as the whole amount assessed is less than Rs. 1,00,000

shall pay an additional duty of Rs. 25.

Persons whose annual income or profits shall be assessed at not less than ...

| | | | | | |
|-------------------------------|--------------|--------------|------------------------|---------------|---------------|
| Rs. 1,00,000 but at less than | Rs. 1,10,000 | Rs. 1,20,000 | Rs. 1,10,000 shall pay | Rs. 1,040 0 0 | Rs. 1,140 0 0 |
| Ditto ditto | " " | " " | " " | " " | " " |

And for every additional Rs. 10,000 of annual income or profits or fractional part thereof

shall pay an additional duty of Rs. 100.

SCHEDULE B.
Form of Petition under section 19.

Stamp
eight annas.

To the COLLECTOR OF
The

day of 186 .
The petition of *A. B.* of

SHEWETH—

1st.—That under the Indian Income Tax Act your petitioner has been assessed in the sum of rupees *eight*, annas *eight* for the year commencing the 1st day of April 186 .

2nd.—That your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits and the place or places at which such income or profits accrues or arise*] for the year ending the thirty-first day of March last were rupees

as will appear from the documents marked presented here-
with, and to which your petitioner craves leave to refer.

3rd.—That your petitioner has no other source of income or profits, and has no reason to believe that his income and profits during the year commencing the 1st day of April 186 will exceed the said sum of rupees

Your petitioner therefore prays that he may be assessed accordingly, and that the value of the stamp on this petition may be refunded [*or that he may be declared not to be chargeable under the said Act, and that the value of the stamp on this petition may be refunded*].

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th March 1869, and is hereby promulgated for general information:—

ACT No. X OF 1869.

An Act to abolish the Police Superannuation Funds.

WHEREAS a Fund called "The Police Superannuation Fund" has been formed under Act No. XXIV of 1859 (*for the better regulation of the Police within the territories subject to the Presidency of Fort Saint George*), section twelve; and whereas similar Funds have been formed under Act No. V of 1861 (*for the regulation of Police*), section eleven, and under the Act of the Governor of Bombay in Council, No. VII of 1867 (*for the regulation of the District Police in the Presidency of Bombay*), section twelve; and whereas it is expedient to abolish the said Funds and to transfer to the Government of India the securities and monies at the credit of such Funds respectively; It is hereby enacted as follows:—

Preamble.

1. The said sections shall be repealed from such day as the Governor General of India in Council shall, by notification in the Gazette of India, direct in this behalf.

* Repeal of enactments establishing Funds.

2. All securities and sums of money which, on the said day, shall be standing at the credit of the said Funds respectively, shall be transferred and paid to the Government of India for the general purposes of government.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th March 1869, and is hereby promulgated for general information:—

ACT No. XI OF 1869.

An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidencies of Fort St. George and Bombay.

1. This Act may be called the "Land Customs (Madras and Bombay) Act, 1869," and extends only to the territories for the time being respectively subject to the Governor of Fort St. George in Council and the Governor of Bombay in Council.

2. Act No. VI of 1844 (*for abolishing the levy of Transit or Inland Customs Duties, for removing the Duties on Imports and Exports by sea, and for determining the price at which Salt shall be sold for home consumption within the territories subject to the Government of Fort Saint George*), sections 7 and 16, and Act No. XXIX of 1857 (*to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay*), section 3, are hereby repealed.

3. Duties of customs shall be levied on goods passing by land, into, or out of, foreign European settlements situated on the lines of coast within the limits of the said territories, at the rates prescribed in the Schedules to Act No. XVII of 1867 (*to amend the law relating to*

Duties on frontiers of foreign European settlements.

(Customs Duties), or any other law for the time being in force relating to the duties of customs on goods imported and exported by sea.

4. The Local Government may declare, by notification in the official *Gazette*, that the territory of any Native Chief, not subject to the jurisdiction of the courts and civil authorities of the territories under such Government, shall be deemed, for the purposes of this Act, to be foreign territory; and may declare goods passing into or out of such territory liable to the duties specified in the schedules to the said Act No. XVII of 1867, or any other law for the time being in force relating to the duties of Customs on goods imported and exported by sea; and goods so passing shall, thereupon, be liable to the duties aforesaid.

5. So far as regards the territories subject to the Governor of Fort St. George in Council, the unrepealed provisions of the said Act No. VI of 1844, and so far as regards the territories subject to the Governor of Bombay in Council, the unrepealed provisions of the said Act No. XXIX of 1857, relating to the levy of duties and to dutiable goods shall, *mutatis mutandis*, apply to duties levied and goods liable to duty under or by virtue of this Act.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Gent.
for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th March 1869, and is hereby promulgated for general information:—

ACT No. XII OF 1869.

An Act to amend the law relating to Customs Duties.

1. Notwithstanding anything contained in the Indian Customs Duties' Act, 1867, it shall be lawful for the Governor General of India in Council from time to time, by notification in the *Gazette of India*, to fix for the purposes of that Act the value of any goods imported or exported by sea on which duties of customs are hereby imposed.

2. This Act shall be read with and taken as part of the Indian Customs Duties' Act, 1867.

WHITLEY STOKES,

*Secy. to the Council of the Govr. Gent.
for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th March 1869, and is hereby promulgated for general information:—

ACT No. XIII OF 1869.

An Act further to amend the Procedure of the High Court of Judicature for the North-Western Provinces.

WHEREAS it is expedient to amend the Procedure of the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William; It is hereby enacted as follows:—

1. In any case before the said High Court in which an European British subject is charged jointly with a person not being an European British subject, a jury may be empanelled for the trial of both persons so charged, and they may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately.

In any case before the said High Court in which an European British subject is charged jointly with a person not being an European British subject, and the former, before the jury is empanelled, requires the majority of the jurors to consist of Europeans and Americans, or both Europeans and Americans, the latter person shall be tried together with the former, and the procedure on the trial shall be the same as it would have been had the former been tried separately:

Provided that in any such case where the person not an European British subject so requires before the said jury is empanelled, he shall be tried separately by a jury of which at least one-half shall consist of persons not being Europeans or Americans.

2. The operation of sections 198 and 364 of the Code of Criminal Procedure is hereby suspended in the said High Court, and in any case coming before the Court in the exercise of its ordinary or its extraordinary original criminal jurisdiction, the Judges of such Court shall take down the evidence or the substance thereof in such manner as the Court shall by any general rule from time to time direct.

3. Whenever any petition, application or motion is made in any matter coming before the said Court in the exercise of its civil, criminal or other jurisdiction, the Court shall have power to award and apportion costs in any manner it may think fit.

4. Whenever the Court shall require the statements in support of any such petition, application or motion to be verified by a declaration in writing, the person making such verification shall, if any such statement is

false, and if he either knows or believes it to be false, or does not believe it to be true, be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

WHITLEY STOKES,
*Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th March 1869, and is hereby promulgated for general information:—

Act No. XIV of 1869.

THE BOMBAY COURTS' ACT.

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An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.

Whereas it is expedient to consolidate and amend the law relating to the District and other subordinate Civil Courts in the Presidency of Bombay

It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Bombay Civil Courts' Act, 1869,"
Short title.
Extent of Act.
It extends only to the territory (other than Sind) under Government of the Governor of Bombay

Council in which the Code of Civil Procedure is now in force. But the Governor of Bombay in Council may, by notification in the Government Gazette, extend this Act to any other of the territories under such Government in which the said Code is not in force, or to Sind.

2. The Regulations and Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule: provided that the constitution of the present Zilas and the position of the present Sadr stations shall not be affected by such repeal.

II.—District and Sadr Stations.

3. The Governor of Bombay in Council may from time to time by notification in the Government Gazette alter the limits of existing Zilas (which shall hereafter be called Districts) and create new Districts for the purposes of this Act.

4. The Governor of Bombay in Council may also from time to time by notification in the Government Gazette alter the position of the Sadr station in any District, and fix the position of the Sadr station in any new District.

III.—District Courts.

5. There shall be in each District a District Court presided over by a District Judge. He shall be appointed by the Governor of Bombay in Council by whose authority only he shall be liable to be suspended or removed from his appointment.

The present Zila Judges shall be the first District Judges under this Act.

6. The District Judge shall ordinarily hold the District Court at the Sadr station in his District, but may, with the previous sanction of the High Court, hold it elsewhere within the District.

7. The District Court shall be the principal Court of original civil jurisdiction in the District, within the meaning of the Code of Civil Procedure.

8. Except as provided in Sections sixteen, seventeen and twenty-six, the District Court shall be the Court of Appeal from all decrees and orders passed by the Subordinate Courts in which an appeal lies under any law for the time being in force.

9. The District Judge shall have general control over all the Civil Courts and their establishments within the District, and it shall be his duty to inspect, or to cause one of his assistants to inspect, the proceedings of all the Courts subordinate to him, and to give such direc-

tions with respect to matters not provided for by law as he may think necessary. The District Judge shall also refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

10. The District Judge shall obey all writs, orders, or processes issued to him by the High Court, and shall make such returns or reports thereto under his signature and the seal of the Court as the exigencies of the case require. He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the Governor of Bombay in Council.

11. The District Judge shall use a circular seal two inches in diameter, which shall bear thereon the Royal Arms with the following inscription in English and the principal language of the District—"District Court of

IV.—Joint Judges.

12. The Governor of Bombay in Council, may with the previous sanction of the Governor General of India in Council, appoint in any District a Joint Judge who shall be invested with co-extensive powers and a concurrent jurisdiction with the District Judge, except that he shall not keep a file of civil suits and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge by order of the High Court.

When the appointment of a Joint Judge shall have been sanctioned by the Governor General of India in Council, the Governor of Bombay in Council may, so long as such sanction continues in force, appoint a successor to such Joint Judge in case his office becomes vacant, or transfer such Joint Judge from one District to another; and in such other District the Joint Judge so transferred shall have the same powers as he had in the former District.

13. All Regulations and Acts now or hereafter in force and applying to a District Judge shall be deemed to apply also to the Joint Judge; and the seal of the Joint Judge shall be the same as is used by the District Judge.

V.—Assistant Judges.

14. The Governor of Bombay in Council, under the general control of the Governor General of India in Council, may appoint one or more Assistants to the District Judge and may suspend or remove from his appointment any Assistant so appointed.

The present Assistant Judges shall be the first Assistant Judges under this Act.

15. An Assistant Judge shall ordinarily hold his Court at the same place as the District Judge, but he may hold his Court elsewhere within the District, whenever the District

Judge shall, with the previous sanction of the High Court, direct him so to do.

16. The District Judge may refer to any Assistant Judge subordinate to him original suits of which the subject-matter does not amount to ten thousand rupees in amount or value, and miscellaneous applications not being of the nature of appeals. The Assistant Judge shall have jurisdiction to try such suits and to dispose of such applications. Where the Assistant Judge's decrees and orders in such cases are appealable, the appeal shall lie to the District Judge or to the High Court according as the amount or value of the subject-matter does not exceed or exceeds five thousand rupees.

The Assistant Judge shall, when directed by the District Judge so to do, also take evidence on applications for certificates under Bombay Regulation VIII of 1827 (*to provide for the formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of property by the Courts*), Act No. XXVII of 1860 (*for facilitating the collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons*), and Act No. XX of 1864 (*for making better provision for the care of the persons and property of minors in the Presidency of Bombay*), and shall forward it with his opinion thereon for the final orders of the District Judge.

17. The Governor of Bombay in Council may, by notification in the Government Gazette, empower any Assistant Judge to try such appeals from the decrees and orders of the Subordinate Courts as would lie to the District Judge and as may be referred by him to the Assistant Judge.

Decrees and orders passed under this section by an Assistant Judge shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge.

18. A person filling the office of Assistant Judge, on whom the power of hearing appeals has once been conferred under section seventeen, shall continue to have this power so long and so often as he may fill the office of Assistant Judge, without reference to the District in which he may be employed: provided that the Governor of Bombay in Council may by notification in the Government Gazette, at any time withdraw such power.

19. The Governor of Bombay in Council may, by notification in the Government Gazette, invest an Assistant Judge with all or any of the powers of a District Judge within a particular part of a District, and may, by like notification from time to time, determine and alter the limits of such part.

The jurisdiction of an Assistant Judge so invested shall *pro tanto* exclude the jurisdiction of the District Judge from within the said limits.

Every Assistant Judge so invested shall ordinarily hold his Court at such place within the local

limits of his jurisdiction as may be determined by the Governor of Bombay in Council, and may, with the previous sanction of the High Court, hold it at any other place within such limits.

20. Every Assistant Judge shall use the seal of the District Judge to whom he is assistant.

VI.—Subordinate Judges.

21. There shall be in each District so many Civil Courts subordinate to the District Court as the Governor of Bombay in Council, acting under the general control of the Governor General of India in Council, shall from time to time direct.

22. The Judges of such subordinate Courts shall be appointed by the Governor of Bombay in Council, and shall be called Subordinate Judges.

No person shall be appointed a Subordinate Judge unless he be a subject of the Queen who has practised five years as an Advocate of a High Court in India or as a Vakil in the High Court of Judicature in Bombay, or who has qualified for the duties of a Subordinate Judge according to such tests as may for the time being be prescribed by such High Court, or who has taken the degree of Bachelor of Laws in the University of Bombay.

The tests so prescribed by the High Court shall be notified in the Government Gazette.

23. The Subordinate Judges shall hold their Courts at such place or places as the Governor of Bombay in Council may from time to time appoint within the local limits of their respective jurisdictions. Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the Subordinate Judge shall hold his Court at each of such places, and the Subordinate Judge shall cause such days to be duly notified throughout the local limits of his jurisdiction.

The same person may be the Judge of more than one Subordinate Court; and in such cases the District Judge shall, subject to the control of the High Court, prescribe rules for regulating the time during which the Subordinate Judge shall sit in each Court.

The Judge of any Subordinate Court may, with the previous sanction of the High Court, be deputed by the District Judge to the Court of another Subordinate Judge for the purpose of assisting him in the disposal of the suits on his file.

24. The Subordinate Judges shall be of two classes.

The jurisdiction of a Subordinate Judge of the first class extends to all original suits and proceedings of a civil nature.

The jurisdiction of a Subordinate Judge of the second class extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed in amount or value five thousand rupees.

25. A Subordinate Judge of the first class, in addition to his ordinary jurisdiction, shall exercise a special jurisdiction in respect of such suits and proceedings of a civil nature wherein the subject-matter exceeds five thousand rupees in amount or value as may arise within the local jurisdictions of the Courts in the District presided over by Subordinate Judges of the second class.

In Districts to which more than one Subordinate Judge of the first class have been appointed, the District Judge, subject to the orders of the High Court, shall assign to each the local limits within which his said special jurisdiction is to be exercised.

26. In all suits decided by a Subordinate Judge of the first class in the exercise of his ordinary and special original jurisdiction of which the amount or value of the subject-matter exceeds five thousand rupees, the appeal from his decision shall be direct to the High Court.

27. The Governor of Bombay in Council may invest any Subordinate Judge of the first class with power to hear appeals from such decrees and orders of Subordinate Courts as may be referred to him by the Judge of the District.

Decrees and orders so passed in appeal by a Subordinate Judge of the first class shall have the same force as if passed by a District Judge.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

28. The Governor of Bombay in Council may invest, within such local limits as he shall from time to time appoint, any Subordinate Judge of the first class with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts up to the amount of five hundred rupees, and any Subordinate Judge of the second class with the same jurisdiction up to the amount of fifty rupees.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

29. Each Subordinate Judge shall use a seal one inch and a half in diameter, bearing the Royal Crown with the following inscription in English and the principal language of the District—“Subordinate Judge of _____”

30. The present Principal Sadr Amins shall be the first Subordinate Judges of the first class and (subject to any alteration of the limits of their ordinary local jurisdiction which

may from time to time be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the first class under this Act, within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Principal Sadr Amins.

The present Sadr Amins and Munsifs shall be the first Subordinate Judges of the second class. Judges of the second class and (subject to any alteration of the limits of their local jurisdiction which may from time to time be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the second class under this Act, within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Munsifs.

31. Every Court of a Subordinate Judge under this Act shall have the same jurisdiction over all proceedings pending in the Court for which it shall have been substituted as the Principal Sadr Amin, Sadr Amin, or Munsif (as the case may be) of such Court would have had if this Act had not been passed.

32. No Subordinate Judge shall receive or register a suit in which Government or any officer of Government in his official capacity shall be a defendant, but he shall refer the party presenting the plaint in such suit to the District Judge, in whose Court alone such suit can be instituted.

Removal or Suspension.

33. Whenever the High Court is of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misconduct by any Subordinate Judge, the High Court may appoint a Commissioner or Commissioners for the purpose of holding such an enquiry, and on the receipt of his or their report may order that the Subordinate Judge be removed or suspended from office, or reduced to a lower class.

The provisions of Act No. XXXVII of 1850 (for regulating enquiries into the behaviour of public servants) shall apply to enquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

34. The High Court may suspend any Subordinate Judge from office pending the result of an enquiry into his behaviour under this section.

Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Subordinate Judge under his control. But whenever the District Judge suspends any such Subordinate Judge, he shall forthwith report the case for the orders of the High Court.

Nothing in this section or in section thirty-three shall be held to interfere with the right of Government to suspend, or remove from office, any Subordinate Judge at their discretion.

VII.—Temporary vacancies.

35. In the event of the death of the District Judge or of his being prevented from performing his duties by illness or other casualty, or of his absence from his District on leave, the first in rank of the Assistant Judges in the District, or in the absence from the District of an Assistant Judge the first in rank of the Subordinate Judges, shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated Assistant Judge or Subordinate Judge, as the case may be, in charge of the District, and shall continue in such charge until the office of District Judge may be resumed or assumed by an officer duly appointed thereto.

36. Any District Judge leaving the Sadr station and proceeding on duty to any place within his District, may delegate to an Assistant Judge, or in the absence of an Assistant Judge, to a Subordinate Judge at the Sadr station, the power of performing such of the duties enumerated in section thirty-five as may be emergent; and such officer shall be designated Assistant or Subordinate Judge, as the case may be, in charge of the Sadr station.

37. In the event of the death, suspension, or temporary absence of any Subordinate Judge, the District Judge may empower the Judge of any Subordinate Court of the same District to perform the duties of the Judge of the vacated Subordinate Court, either at the place of such Court or of his own Court; but in every such case the Registers and Records of the two Courts shall be kept distinct.

VIII.—Ministerial Officers.

38. All ministerial officers of the Civil Courts in each District shall be appointed, and may be fined, suspended or dismissed by the District Judge, subject to such rules as the High Court may from time to time prescribe.

Provided that the Judge of every Subordinate Court may, subject to the like rules, appoint the ministerial officers of such Court, whose salaries do not exceed rupees ten per mensem, and may by order fine, suspend or dismiss any ministerial officer of such Court who is guilty of any misconduct or neglect in the performance of the duties of his

office. Every such order shall be subject to appeal to the District Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto, shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

39. The duties of the said ministerial officers shall be regulated by such rules as the High Court may from time to time prescribe.

40. The Governor of Bombay in Council may, under the general control of the Governor General of India in Council, appoint to any Civil Court under this Act a Clerk of the Court who, in addition to such duties as may from time to time be prescribed by the High Court, may receive and register plaints, and shall refer such as he may consider should be refused for the orders of the Judge of the Court, and may sign all processes, and authenticate copies of papers.

IX.—Miscellaneous.

41. The proceedings of each Civil Court shall be kept and recorded according to such rules as the High Court may from time to time prescribe. The High Court shall also lay down rules under which copies of papers may be granted.

42. The High Court shall from time to time with the sanction of the Governor of Bombay in Council prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act, or by any officer of such Court.

Tables of the fees so prescribed shall be published in the Government Gazette.

43. The District and Subordinate Courts shall sit from day to day except on Sundays, New Year's Day, Good Friday, Christmas Day, and Her Majesty's Birth Day, and such other days as may be sanctioned for each or every District by the High Court.

The High Court may also permit the Civil Courts under its control to adjourn for a period or periods not exceeding in the whole six weeks in each year.

SCHEDULE.

Enactments repealed.

I.—BOMBAY REGULATIONS.

| No. of Regulation. | TITLE OF REGULATION. | EXTENT OF REPEAL. |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I of 1827 | A Regulation for forming into a regular Code all Rules that may be enacted for the internal Government of the Territories subordinate to the Presidency of Bombay. | Sections 1 to 7, both inclusive. |
| II of 1827 | A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and Officers thereof. | The preamble, and so much of chapters III and IV as has not been repealed; and chapter II except so much of section XXI as refers to the interference of the Civil Courts in caste questions. |
| III of 1827 | A Regulation containing provisions as to the official proceedings in general of Courts of Civil Justice, their sittings, the mode of communicating with them, the mode of keeping the minutes of their proceedings, the sealing, signing, and language of process, and the grant of copies of papers on their records. | The whole. |
| IV of 1827 | A Regulation prescribing the forms of proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the trial of the same. | The preamble and sections 24, 27 and 72, clause 4. |
| XXIX of 1827 | A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkan and Khandesh. | Section 7. |
| XXXI of 1827 | A Regulation to explain the principles on which the introduction of the revised Code of Regulations is to be effected. | The whole. |
| I of 1830 | A Regulation rescinding Regulation VII of 1828, and extending the jurisdiction of Native Commissioners to the cognizance of all original suits of whatever amount. | The whole. |
| VII of 1831 | A Regulation for modifying the Rules under which appeals in Civil Suits are to be admitted. | The whole. |
| XVIII of 1831 | A Regulation for instituting gradations of rank in the judicial appointments conferred on Natives, and defining the authority to be exercised by each rank. | The whole. |
| II of 1833 | A Regulation for vesting Judicial Native Commissioners with authority to try civil actions in any part of a zillah to which they stand appointed. | The whole. |
| VI of 1834 | A Regulation providing for the occasional adjournment of the Courts of Civil Judicature under the Presidency of Bombay. | The whole. |

II.—ACTS.

| No. of Act. | TITLE OF ACT. | EXTENT OF REPEAL. |
|--------------|-----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| IX of 1844 | An Act for authorizing the institution of suits in the Courts of Principal Sudder Ameer and Sudder Ameer. | The whole Act as far as it relates to the Bombay Presidency. |
| XXIX of 1845 | An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges. | So much as refers to Joint Zillah Judges. |

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1869:—

No. 9 of 1869.

INDIAN EXPROPRIATION BILL.

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A Bill to amend the law for the acquisition of land needed for public purposes.

Whereas it is expedient to amend the law for the acquisition of immoveable property needed for public purposes or for works of public utility, and for determining the amount of compensation to be made for such property; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. This Act may be called "The Indian Expropriation Act, 1869":
Short title.
- It extends to the whole of British India;
Extent.
- And it shall come into operation on the first day of June 1869.
Commencement.
2. From such day Act No. VI of 1857 (*for the acquisition of land for public purposes*), and Act No. II of 1861 (*to amend Act No. VI of 1857*), shall be repealed.
Repeal of Acts.

All references made to either of the said Acts in subsequent Acts, orders or contracts shall be read as if made to this Act.

3. In this Act:—

The expression "person interested in the property" includes all persons interested in immoveable property:
Interpretation-clause.

The expressions "Collector of the District" and "Collector" include any officer specially appointed by the Local Government to perform the functions of a Collector under this Act;
"Collector of the District."
"Collector."

And in every case under this Act—

The expression "Court" means the Court of any judicial officer whom the Local Government may appoint, either specially for such case or generally within any specified local limits, to perform the functions of a Judge under this Act.
"Court."

And the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided, (that is to say)—
"Entitled to act."

Trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability:

A married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age; and

The guardians of minors and the committees of lunatics or idiots shall be deemed respectively the persons so entitled to act to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted.

PART II.

PROCEDURE BEFORE ACQUISITION.

4. Whenever it appears to the Local Government that any immoveable property is likely to be needed for public purposes or for a work of public utility, it shall be lawful for any Officer either generally or specially authorised by such Government in this behalf, and his servants and workmen, to enter upon and survey and take levels of such property and to probe or bore to ascertain the nature of the soil;

and to set out the boundaries of any such property and the intended line of any such work, and to mark such boundaries and line by cutting trenches or placing land-marks; and where otherwise the survey cannot be completed and the boundaries and line marked, to cut down and clear away any part of any standing crop, jungle or tops of trees in the direction of the intended boundaries and line:
Power to enter and survey.
Power to mark out line.
Power to clear land.

Provided that no person shall enter into any building or upon any enclosed garden (unless with the consent of the occupier thereof) without previously giving such occupier twenty-four hours' notice of his intention to do so.
Previous notice of en-

5. The officer so authorised shall take account of all necessary damage done as aforesaid to immoveable property, and shall forthwith offer payment for such damage to the persons interested.
Account of damage.
Offer of payment.

In case the offer is not accepted, the damage shall be allowed for in the compensation awarded for such property under the provisions hereinafter contained.

6. Whoever wilfully obstructs any person in lawfully setting out such boundaries or line, or wilfully destroys, damages, or displaces any land-mark, or effaces or fills any trench intended to mark such boundaries or line, shall, on conviction before a Magistrate, be liable to be imprisoned for any term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.
Obstruction to setting out line of works.
Destroying land-marks.
Filling trenches.

7. Whenever it appears to the Local Government that any immoveable property is needed for a public purpose or for a work of public utility, a declaration shall be made to that effect
Power to acquire land after declaration that it is required for a public purpose or for a work of public utility.

under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders.

The declaration shall state the District or other territorial division in which the property is situate, the object for which it is needed, its approximate area, and, where a plan shall have been made of the property by any such officer as aforesaid, the place where such plan may be inspected.

Works of public utility shall, for the purposes of this section, be held to comprise the following and no others:—

- (1).—Bridges, roads, railways, tramways:
 - (2).—Canals:
 - (3).—Works for the storage or for the supply of water:
 - (4).—Improvements of rivers or harbours:
 - (5).—Docks, quays, jetties:
 - (6).—Drainage works:
 - (7).—Works for the protection of land from floods or erosion by rivers:
 - (8).—Electric telegraphs;
- and all works subsidiary thereto.

The said declaration shall be conclusive evidence that the purpose for which the immovable property is needed is public or (as the case may be) that the work for which it is needed is of public utility; and after making such declaration the Local Government may acquire the property in manner hereinafter appearing.

The circumstance that the whole or any part of a work is to be executed by, or directly for the benefit of, private persons or companies or municipal bodies shall not prevent its being deemed a work of public utility within the meaning of this section.

8. Whenever any immovable property shall have been declared to be so needed for a public purpose or for a work of public utility, the Local Government shall direct the Collector of the District to take order for the acquisition of the property. Provided that nothing in this Act shall be taken to compel the Government to complete the acquisition unless an award shall have been made or a reference directed under the provisions hereinafter contained.

9. The Collector shall thereupon cause the land to be marked out and measured. If it have not been already marked out under section four) to be marked out and also to be measured, and a plan to be made of the same.

10. The Collector shall then cause a notice to be affixed in some conspicuous place upon the property, and published by proclamation in the neighbouring bázars and villages, to the effect that the property is about to be taken by Government under this Act.

He shall also serve notice to the same effect on the occupier (if any) of such property and on all such

persons, known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorised to receive service on their behalf, within the Revenue District in which the property is situate.

Such notice shall state the particulars of the property so required and shall require all persons interested in the property to appear personally or by agent before the Collector at a time and place therein mentioned, such time not being less than fifteen days after the date of publication of the notice; and to state the nature of their interests in the property and the amount and particulars of their claims to compensation for such interests.

11. The Collector may also require any such person to deliver to him a statement containing, so far as may be practicable, the name of every other person possessing any interest in the property or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

12. On the day so fixed, the Collector shall proceed to enquire summarily into the value of the property and to determine the amount of compensation which in his opinion should be allowed therefor, and shall tender such amount to the persons interested who have attended in pursuance of the notice.

In determining such amount the Collector shall take into consideration the matters mentioned in section forty-six and shall not take into consideration any of the matters mentioned in section forty-seven.

PART III.

ACQUISITION.

13. If the Collector and the person or persons interested agree as to the amount of compensation to be allowed, the Collector shall make an award under his hand for the same; and (where there are several persons interested) if such persons agree also in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award.

The award shall be filed in the Collector's Office and shall be conclusive evidence of the value of the property and the amount of compensation allowed for the same; and also of the particulars of the apportionment (if any) of the compensation among the persons who have agreed thereto.

14. The Collector may, if no claimant attends pursuant to the notice, or if for any other cause he thinks fit, postpone the enquiry to a day to be fixed by him and notified in the manner provided in section ten.

15. When the Collector proceeds to make the enquiry as aforesaid, whether on the day originally fixed for the enquiry or on the day to which it may have been postponed, if no claimant attends, or if the Collector is unable to agree with the persons interested

who have attended in pursuance of the notice as to the amount of compensation to be allowed, the matter shall be referred to the determination of the Court in manner hereinafter appearing.

16. If upon the said enquiry any question arise respecting the title to the property or any rights or interests therein between two or more persons making conflicting claims in respect thereof, the person deemed by the Collector to be in possession as owner or in receipt of the rents as being entitled thereto, shall, for the purpose only of taking such measures as may be necessary for fixing the value of the property and the amount of compensation to be allowed for the same, be held, as between such persons, to be the person interested in the property.

17. When the Collector has made an award or directed a reference to the Court, he may take possession of the property, which shall thenceforward be vested absolutely in the Government.

And in cases of urgency whenever the Local Government so directs, the Collector (though no such award has been made or reference directed) may, on the expiration of fifteen days from the publication of the notice mentioned in section ten, take possession of any waste or arable land needed for public purposes. Such land shall thenceforward be vested absolutely in the Government. The Collector shall offer to the persons interested compensation for the standing crops and trees (if any) on such land; and in case such offer is not accepted, the value of such crops and trees shall be allowed for in awarding compensation for the land under the provisions herein contained.

The provisions contained in sections ten to sixteen (both inclusive) shall *mutatis mutandis* apply when land is taken under the second clause of this section.

18. If the Collector is opposed or impeded in taking possession of immoveable property needed for a work of public utility, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the property to the Collector.

PART IV.

APPORTIONMENT OF COMPENSATION AWARDED BY COLLECTOR.

19. When the Collector and the persons interested in the property agree as to the amount of compensation, if any dispute arises as to the apportionment of the same or any part thereof, the Collector shall call on them to state in writing on or before such day as he shall fix, whether they wish

- (1)—that he shall himself decide the dispute, or
- (2)—that he shall refer it to the decision of the Court, or
- (3)—that he shall refer it to arbitration.

20. If the persons interested fail to make the said statement on or before the day so fixed, or if they state that they wish that the Collector shall himself decide the dispute, he shall decide it accordingly and his decision shall be final.

21. If such persons state that they wish that the Collector shall refer the dispute to the decision of the Court, the Collector shall refer it accordingly, and the Court shall decide the same under section fifty-two.

22. If they state that they wish that the Collector shall refer the dispute to arbitration, the Collector shall refer it accordingly.

23. And if the parties cannot agree with respect to the nomination of the arbitrators, or if the persons nominated by them refuse to accept the arbitration, or, having accepted it, die, or desire to be discharged, or refuse, or become incapable to act, and the parties are desirous that the nomination shall be made by the Collector, he shall appoint some proper persons to arbitrate the matter.

24. After the arbitrators have accepted the appointment, the Collector may exercise towards them such powers and authority for securing their attendance and the due completion of their award, as he may legally exercise towards witnesses summoned before him when acting judicially for the purpose of compelling them to attend and give evidence.

25. If no award be made within a period to be fixed for that purpose by the Collector, he may order that the matter shall be referred to other arbitrators to be chosen in the same manner and subject to the same powers as the first.

26. The Collector shall furnish the arbitrators, or, so far as may be in his power, procure for them, any information connected with the subject of enquiry which the records of his office or those of any public department may afford.

He shall also, on the application of the arbitrators, summon any witnesses whom the arbitrators may call for and whom the parties may not be able to produce before them without such process, and require the persons so summoned to bring and produce before them all such books, papers, maps and plans as the arbitrators shall require.

Persons so summoned shall be subject to all the provisions of the laws for the time being in force regarding persons summoned as witnesses before a Collector of Land-Revenue or a Deputy Commissioner when acting judicially.

27. Every witness examined before the arbitrators shall be examined upon oath to be administered by or made before the said arbitrators.

28. On the close of the enquiry, the arbitrators, or a majority of them, shall deliver a full and complete award in respect of the matter referred to them, and shall therein specify the persons entitled to compensation, and the proportions in which they are so entitled.

29. The arbitrators on making their award shall be entitled to reasonable fees for their services, the amount of which shall be fixed by the Collector subject to the orders of the Commissioner or other superior revenue authority.

30. The award shall declare the costs of the arbitration and by whom and in what proportion they shall be paid.

31. The proceedings of the arbitration shall be deposited in the office of the Collector, and every person interested therein shall be entitled to a copy of the award, under the seal and signature of the Collector. Such copy shall be *prima facie* evidence of the matters therein stated.

32. No award of arbitrators made in accordance with the provisions of this Act, shall be liable to be reversed or altered, except by the decision of a Civil Court on the ground of corruption or misconduct of the arbitrators.

In case the award shall be so reversed, the matter shall be referred to other arbitrators to be appointed in the same manner as the first.

All suits to set aside an award under section twenty-eight shall be instituted within three months from the date of the award.

PART V.

REFERENCE TO COURT AND PROCEDURE THEREON.

33. In making a reference under section fifteen, the Collector shall state for the information of the Court, in writing under his hand, (a) the situation and extent of the property needed, (b) the names of the persons interested in such property, and (c) the amount of compensation tendered for the same under section twelve, or, if no claimant has attended pursuant to the notice mentioned in section ten, the amount of compensation which the Collector is willing to give to the persons so interested.

34. The Court shall thereupon cause to be served on each of the persons so interested a notice requiring him (if he has not made a claim under section ten) to state to the Court, on or before a day to be therein mentioned, the sum which he is willing to accept as compensation for the property so needed.

The Court shall also cause a notice to be served on the Collector and each of such persons requiring them to state to the Court, on or before a day to be therein mentioned, whether they wish the amount of the compensation to be determined by the Judge alone or by the Judge with assessors.

If no claimant has attended pursuant to the notice mentioned in section ten, the Court shall cause a notice to be affixed on some conspicuous place in the property needed to the effect that, if the persons interested therein do not appear in Court on or before a day to be therein mentioned and state whether they wish the amount to be determined by the Judge alone or by the Judge with assessors, the Judge will proceed to determine such amount *ex parte*.

35. On receiving such statements the Judge, if the parties wish the amount of the compensation to be determined by the Judge alone, shall proceed to decide such amount, and his decision thereon shall be final.

In like manner, if no claimant appears and makes a statement pursuant to the notice last aforesaid, the Judge shall proceed to decide the amount of the compensation, and his decision thereon shall be final.

36. But if the parties or any of them wish that the amount be determined by the Judge with assessors, they shall appoint, on or before a day to be fixed by the Court, two qualified persons (one to be nominated by the Collector and the other by the persons interested), to be assessors for the purpose of aiding the Judge in determining the amount of the compensation.

In case of failure to appoint either of such assessors within the time so specified, the Court shall itself appoint an assessor in his stead.

37. On or after the day last referred to, the Judge shall require the assessors so appointed to appoint by writing under their hands, on or before a day to be fixed by the Court, a qualified person to be a third assessor for the purpose aforesaid.

In case of failure to make such appointment within the time so specified, the Judge shall himself appoint the third assessor.

38. The Judge and the assessors shall thereupon proceed to determine the amount of the compensation.

39. If before such amount is determined, any of the assessors dies or desires to be discharged, or refuses or becomes incapable to act, the party by whom he was appointed, or, if he were appointed by the Judge, the Judge may appoint some other qualified person to act in his place; and, in the case of an assessor appointed by either party, if for the space of seven days after notice from the Court for that purpose the party who appointed such assessor fails to appoint another, the Judge and the other assessors may proceed *ex parte*.

Every assessor so substituted shall have the same powers as were vested in the former assessor at the time of his so dying or desiring to be discharged, or refusing or becoming incapable.

40. Every assessor appointed under this Act, not being an officer of Government, shall be entitled to receive such fees for his services as the Judge shall direct, not exceeding the sum of fifty rupees for each full day employed.

Assessors' fees.

Such fees shall be deemed to be costs in the proceeding.

Provisions of Code of Civil Procedure made applicable.

41. The following provisions of the Code of Civil Procedure :—

- (a) as to adding parties,
- (b) as to adjournment,
- (c) as to death, marriage and bankruptcy or insolvency of parties,
- (d) as to summoning witnesses and their attendance,
- (e) as to examination of parties and witnesses,
- (f) as to production of documents, and
- (g) as to commissions to examine absent witnesses and to make local enquiries,

shall apply, so far as may be, to proceedings under this Part.

42. Every such proceeding shall take place in open Court, and all legal practitioners entitled to practise in the Court in which any such proceeding takes place, shall be entitled to appear, plead and act, or to appear and act (as the case may be) in such proceeding.

Proceedings to be in open Court.

43. The opinion of each assessor shall be given orally and shall be recorded in writing by the Judge.

Record of assessors' opinions.

44. In case of a difference of opinion between the Judge and the assessors or any of them upon a question of law or practice or usage having the force of law, the opinion of the Judge shall prevail and his decision thereon shall be final.

Difference on questions of law.

45. In case of any such difference of opinion upon any question of fact, or as to the amount of the compensation to be awarded, the decision of the Judge shall be final, provided he agree with the majority of the assessors or with one of the assessors if there be but two.

Difference on questions of fact.

But if the Judge differs from all or from the majority of the assessors, he shall pronounce his decision, and the Collector or the person interested (as the case may be) may appeal therefrom to the High Court within the time and in manner provided by the Code of Civil Procedure for regular appeals in suits.

46. In determining the amount of compensation to be awarded for property acquired under this Act, the Judge alone or the Judge, the assessors (as the case may be) shall take into consideration—

Matters to be considered in determining compensation.

First, the price which the property would be likely to fetch if sold then and there by public auction :

Secondly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of severing such property from his other property ; and

Thirdly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner, or his earnings.

Matters to be neglected in determining compensation.

47. But the Judge or assessors shall not take into consideration—

First, the degree of urgency which has led to the acquisition :

Secondly, any disinclination of the person interested to part with the property acquired :

Thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit :

Fourthly, any damage which, after the time of awarding compensation, is likely to be caused by or in consequence of the execution of the proposed work :

Fifthly, any increase to the value of the property acquired likely to accrue from the execution of the proposed work thereon or which would be likely to accrue to such value if the work were executed on any other property ; or

Sixthly, any outlay or improvements on the property acquired, made, commenced or effected with the intention of enhancing the compensation to be awarded therefor under this Act.

48. Where the person interested has made a claim to compensation, pursuant to the notice mentioned in section ten, the amount awarded shall not in his case exceed the amount so claimed, or be less than the amount tendered by the Collector under section twelve.

Rules as to amount of compensation.

Where the person interested has refused to make such claim, or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded may be less than, and shall in no case exceed, the amount so tendered.

Where the person interested has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded shall not be less than, and may exceed, the amount so tendered.

49. Subject to the provisions contained in section fifty, the Judge shall in all cases determine by whom the costs of any proceeding under this Part are to be borne.

Judge to determine costs.

50. (a). When the amount awarded is the sum claimed by the person interested, the costs of the proceeding shall be paid by the Government.

Rules as to costs.

(b). Where the amount awarded is equal to or less than the sum tendered by the Collector, the costs of the proceeding shall be paid by the person interested.

(c). Where the amount awarded exceeds the sum tendered by the Collector, but is less than the sum claimed by the person interested, the costs of the proceeding shall be paid by the parties in such proportions as the Judge shall determine.

51. Every award made under this Part shall be in writing signed by the Judge and the assessors or by the Judge alone (as the case may be) and shall specify the amount awarded under the first clause of section forty-six and also the amounts (if any) respectively awarded under the second and third clauses of the same section, together with the grounds of awarding such last mentioned amounts.

52. When the amount of compensation has been settled, or when a reference to the Court has been made under section twenty-one, the Judge shall determine the proportions in which the persons interested are entitled to share in such amount.

PART VI.

MISCELLANEOUS.

53. When any immoveable property taken under this Act forms part of an estate paying revenue to Government, the award shall specify the nett rent of the land including the Government revenue, and the computed value of such rent.

The revenue authorities may in their discretion either pay over the whole of such value to the owner of the estate on the condition of his continuing to pay the Government revenue thereof without abatement; or determine what proportion of the nett rent shall be allowed as a remission of revenue, in which case a deduction shall be made from the said value proportionate to the value of such remission.

54. Subject to the provisions contained in section fifty-three, when the compensation to be paid for immoveable property taken under this Act is decided by the award of the Collector under section thirteen, and possession is then taken of the property on account of Government, he shall pay the amount awarded at the time of so taking possession.

When the compensation is decided by the award of the Collector after taking possession, or of the Judge and assessors, or of the Judge alone, the Collector shall pay the amount awarded with interest at the rate of six per centum per annum from the time of so taking possession:

Provided that, in cases where the Judge has differed with the assessors upon a question of fact or on the amount of compensation, the Collector shall not pay such amount and interest until the time for appealing against the Judge's decision has expired and no appeal shall have been presented against such decision, or until any such appeal shall have been dismissed, or until in the result of any such appeal the decision appealed against shall have been upheld.

55. Subject to the provisions contained in sections thirty-two and forty-five, payment of the

compensation shall be made according to the award to the persons named therein:

Provided that nothing in this Act shall affect the liability of any person who may receive the compensation awarded for any property, or any portion of such compensation, to pay the same to the person lawfully entitled thereto.

56. The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired and if he be able to convey the same.

57. The powers of this Act shall extend to authorize the occupation and use by Government for any time not exceeding three years of any waste or arable land.

The Collector shall pay to the owners and occupiers of such land such compensation for the occupation and use thereof, either in a gross sum of money or by monthly or other periodical payments as shall be agreed upon between him and such owners and occupiers respectively; and in case they differ about the compensation, the same shall be settled by a single arbitrator to be appointed by the Collector and such owners or occupiers, or when they cannot agree in the choice of an arbitrator, then an arbitrator to be appointed by the Local Government.

58. For any permanent damage done by such occupation and use of the land, compensation shall be paid to and among all persons interested therein, to be ascertained, in case of disagreement, in the same manner as compensation for land taken under section fifty-seven.

59. The Local Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with the enforcement, and may from time to time alter and add to the rules so made. All such rules, alterations and additions shall be published in the local official Gazette.

STATEMENT OF OBJECTS AND REASONS.

For several years past, since the extension of railways has forced the Government of India to take land in the larger towns or in their vicinity, frequent complaints have been made in the Public Works Department as to the serious abuses which have, in many cases, arisen in applying Act VI of 1857—the law which now regulates the taking of land for public purposes.

The Government of India has made various efforts to protect the public interests by calling on the local authorities to take increased care in the appointment of the arbitrator who represents the Government and by the adoption of other measures. But no effectual relief has been thus obtained.

On taking a general view of the circumstances under which these abuses have occurred, it becomes apparent that the evil is chiefly owing to the absence in the existing law of any statement of the principles which are to regulate the determination of the price to be paid for the property taken by Government. The primary object of the present Bill is to supply a concise and intelligible statement of those principles. They are contained in sections 46, 47, 48:—

"46. In determining the amount of compensation to be awarded for property acquired under this Act, the Judge alone or the Judge and assessors (as the case may be) shall take into consideration—

First, the price which the property would be likely to fetch if sold then and there by public auction:

Secondly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of severing such property from his other property; and

Thirdly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner, or his earnings.

"47. But he or they shall not take into consideration—

First, the degree of urgency which has led to the acquisition:

Secondly, any disinclination of the person interested to part with the property acquired:

Thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

Fourthly, any damage which, after the time of awarding compensation, is likely to be caused by or in consequence of the execution of the proposed work:

Fifthly, any increase to the value of the property acquired likely to accrue from the execution of the proposed work thereon or which would be likely to accrue to such value if the work were executed on any other property; or

Sixthly, any outlay or improvements made, commenced or effected on such property with the intention of enhancing the compensation to be awarded therefor under this Act.

"48. Where the person interested has made a claim to compensation, pursuant to the notice mentioned in section ten, the amount awarded shall not in his case exceed the amount so claimed, or be less than the amount tendered by the Collector under section twelve.

Where the person interested has refused to make such claim, or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded may be less than, and shall in no case exceed, the amount so tendered.

Where the person interested has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded shall not be less than, and may exceed, the amount so tendered."

The Bill then attempts to secure the application of those principles in actual practice.

The present system of procedure under Act VI of 1857 is as follows:—The Collector makes an offer of the sum which he thinks suitable; if it is not accepted, the proprietor appoints one arbitrator and the Collector another, and these two name a third. The decision of the three arbitrators is final. Experience has shown that this system has not led to satisfactory results. Although the mere declaration of the principles which ought to guide the arbitrators would doubtless help to remove many of the objections to the present procedure, it would not be safe to trust entirely to that check, and it is necessary to make direct provision against inequitable awards, and for setting such awards aside when made.

The procedure proposed by the present Bill may be shortly stated as follows:—

The Collector will cause the land required to be marked out and measured (sec. 9). He will then give notice to all persons interested in the property to appear before him and state the nature of their interests and the particulars of their claims to compensation (sec. 10). He will then enquire summarily into the value of the property and estimate the amount of the compensation according to the principles above stated (sec. 12). If the Collector and the persons interested agree as to the amount, he will make an award which will be final (sec. 13). If, however, they cannot agree, the matter will be referred to the determination of the Court.

The Court will then cause notice to be served on all persons interested requiring them (a) to state the sum which they are willing to accept, and (b) to state whether they prefer the amount to be determined by the Judge alone or by the Judge with assessors.

If the parties (*i. e.*, the Collector and the persons interested) prefer a determination by the Judge alone, he will decide the amount and his decision will be final.

If, however, they prefer a determination by the Judge with assessors, the parties will nominate two assessors, who again will nominate a third, and the Judge and the three assessors will proceed in open Court to determine the amount. Should the Judge and assessors differ on a point of law, the Judge's opinion will prevail. Should they differ on a question of fact or on the amount of the compensation, the Judge's decision will prevail, and, provided he agree with the majority of the assessors, will be final. But where the Judge differs from such majority, an appeal to the High Court will lie against his decision.

The Bill provides for the payment of reasonable fees to the assessors (sec. 40), and gives rules as to costs of the parties (sec. 50), and as to the time at which the compensation is to be paid (sec. 54).

When the persons interested differ as to the apportionment of the compensation, provision is made (secs. 19 to 32) for settling the difference (a) by the Collector, or (b) by the Court, or (c) by arbitrators chosen by the persons interested.

These are the leading provisions of the Bill. Its other clauses requiring special notice are the power to enter and survey whenever it seems to the Local Government that any land is likely to be needed for a public purpose or a work of public utility (sec. 4): the definition of works of public utility

(sec. 7), the clause in the same section providing that the circumstance that the whole or any part of a work is to be executed by or directly for the benefit of private persons or companies or municipal bodies shall not prevent it being deemed a work of public utility within the meaning of the proposed Act; and, lastly, the clause (sec. 17) authorising the Collector in cases of exceptional urgency to enter and take possession, though no award has been made or reference directed. The necessity for this clause has been suggested by past experience, and it is analogous to article 19 of the French law of the 8th March 1810. It will only operate under the special orders of the Local Government when extreme public inconvenience is likely to arise from the delay that must occur under the ordinary procedure; and the provisions of the Bill as to ascertaining and paying the compensation will, *mutatis mutandis*, apply in all such cases.

J. STRACHEY.

CALCUTTA,
The 15th February 1869. }

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March 1869:—

REPORT.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations to which the Bill for imposing stamp duties on certain instruments was referred, have the honour to report that we have considered the Bill and the papers noted in the Appendix.

By defining 'property' to mean "property within British India," we have practically excluded from the operation of the Bill instruments relating to the transfer of property situated beyond the limits of British India, which are not intended to have any effect within those limits, but which are necessarily executed partly or wholly in this country by reason of some of the parties to such instruments residing therein at the time of execution.

We have struck out the fourth clause of section 4 of the Bill as originally drawn, and thereby limited the application of the Bill to instruments executed subsequent to its coming into operation.

We have restricted the use of adhesive stamps to those instruments to which they may be applied under the existing law and practice, and to such other instruments as are by the Bill made chargeable with a duty not exceeding one anna.

Section 8 of the Bill as originally drawn has been omitted. The effect of this omission is to retain the existing practice of distributing the stamp duty chargeable on bills of exchange when drawn in sets over the several parts of such sets.

We have provided for the case of instruments in which the consideration or amount is expressed in pounds sterling, francs or dollars.

In section 15, we have added to the list of exemptions certain documents exempted from stamp duty under the existing law, *vis.*—

(1). Transfers of securities of the Government of India.

(2). Letters of hypothecation and companying bills of exchange.

(3). Copies made for the private use of persons having the custody of the original documents, of their counsel, attorney or agent.

(4). Letters of cover or engagement to issue a policy of insurance.

The exemption in the case of bonds executed for the due execution of their office by public servants has been extended to the case of all salaried officers, without limit as to the amount of the salary.

We have introduced two new sections (14 and 15): the first is a simple re-enactment of the provisions of Act XVIII of 1865, which it has been thought desirable to transfer to this Bill for facility of reference; the other excludes from the operation of the Bill documents for which special stamp duties are, or may be hereafter, prescribed by Act XXVI of 1867, or any similar enactment.

In section 18, we have reduced the penalty which it was proposed in the original Bill to levy on all unstamped or insufficiently stamped instruments produced in any Court, or before any public officer within one year from the date of their execution, from ten to five times the proper amount of stamp-duty chargeable on such instruments, and we have provided that the penalty leviable on such instruments shall in no case exceed Rs. 1,000.

In section 24, we have extended the provisions of the original Bill as regards unstamped bills of exchange and cheques payable on demand and receipts, to all other instruments specified in schedule II as chargeable with a duty not exceeding one anna. In section 25, we have struck out the words "or goods," thereby bringing the provisions of that section into exact conformity with the English law on the subject.

We have dispensed with the provision of the original Bill and of the existing law in regard to the mode of obliterating adhesive stamps, and have merely imposed on the person using such stamps the obligation of effecting their cancellation in such manner as shall preclude their being used again.

We have inserted the penalties prescribed by the existing law for the offence of not drawing or executing at the same time the whole number of a set of bills of exchange or policies of insurance of which such bill or policy purports to consist. This provision is rendered necessary by the retention of the existing practice of distributing the stamp duty to be borne by a bill of exchange drawn in sets or a policy of insurance executed in duplicate over the several parts of such set.

In section 34 we have restricted the constitution of the offence therein specified to the wilful misrepresentation of the true facts of the case.

We have made the abetment of any offence against the Stamp Law punishable with the punishment provided for such offence.

We have provided for the admission of an appeal on plain paper to the High Court against the order of a Collector as to the proper stamp duty to be borne by any instrument.

We have also provided for the realization by the Collector of any amount which may become due from the appeal under the judgment of the High Court as if such amount had been awarded by a decree of the Civil Court. The Bill as introduced proposed to enforce the recovery of the amount so due as an arrear of Government revenue.

As the functions of a High Court in its civil appellate jurisdiction are, as regards several of the provinces included in the Bengal Presidency, at present vested in a single officer, we have deemed it expedient to provide for all references of doubts as to the proper construction of the law by the Chief Controlling Revenue Authority of any province within such presidency to the High Court at Port William.

We have limited the authority to try criminal offences under this Bill to officers exercising magisterial powers not less than those of a Subordinate Magistrate of the First Class.

We have made the power to frame rules for the sale of stamps, conferred on the Local Governments, applicable to stamps required for use under Act XXVI of 1867.

We have made considerable reductions in the *ad valorem* duties chargeable on bonds, mortgages, leases and conveyances involving any amount in excess of Rs. 10,000. And the reduced duty which the Bill, as introduced, imposed on leases for one year, has now been made applicable to leases for three years.

On bills of exchange, generally, we have provided for a reduction of duty to the extent of one-eighth per Rs. 1,000.

Following the course of recent legislation on this matter in England, we propose to reduce the duty chargeable on policies of insurance to one-half the existing rates, and to exempt life policies altogether.

We think the imposition of an *ad valorem* duty on the counterpart of a lease, which obtains under the existing law, unsound in principle, and we propose to substitute for it a fixed duty of one rupee.

For the varying duties now chargeable on different forms of agreements, we have substituted the uniform duty of eight annas.

We have increased the fixed duty chargeable on instruments of gift and exchange of immovable property, appointments, Articles of Association, and Memoranda of Association; and we have imposed new duties on appointments of trustees, declarations of trusts, surrenders of leases, and articles of clerkship.

We have also fixed a maximum duty of rupees sixteen for indemnity bonds and bonds for the due execution of an office.

We have subjected promissory notes, whether payable on demand or otherwise, to the duty chargeable on bills of exchange.

We think the imposition of stamp duty on delivery orders or schedules inexpedient.

We have altered the arrangement of the schedules, and omitted schedule V of the original Bill.

We propose to defer till the 1st October 1869 the coming into operation of the proposed Act.

We recommend that the Bill thus amended be passed. But before proceeding further with it we think that it should be published, with this Report, in the *Gazette of India*.

F. R. COCKERELL.

H. S. MAINE.

R. TEMPLE.

GORDON FORBES.

D. COWIE.

M. J. SHAW STEWART.

J. N. BULLEN.

The 5th March, 1869.

APPENDIX.

From Secretary to Chief Commissioner, Oudh, No. 2651, dated 10th September 1863.

" Officiating Advocate General, Bengal, dated 6th October 1863.

" Secretary to Government, Bengal, No. 682 T, dated 19th September 1863, and enclosures.

" Governor, Straits Settlement, No. 103, dated 9th June 1863, and enclosures.

" Officiating Advocate General, Bengal, dated 28th August 1863.

" Chief Secretary to Government, Fort Saint George, No. 1571, dated 30th September 1863, and enclosures.

" Foondun Lall Mukhtar, Zilla Muttra, dated 29th June 1863, and enclosure.

Abstract of recommendations of Central and Local Committees, Panjáb.

From Officiating Secretary to Chief Commissioner, Oudh, No. 2734, dated 29th July 1867, and enclosures.

" Resident, Hyderabad, No. 1878, dated 3rd August 1867, and enclosures.

" Secretary to Chief Commissioner, British Burma, No. 2300, 532, dated 11th October 1867, and enclosures.

Extract Proceedings of the Government of Bombay, No. 3706, dated 30th October 1867, and enclosures.

From Officiating Secretary to Government, Bengal, No. 912 T, dated 27th September 1867, and enclosures.

" Secretary to Government, Fort Saint George, No. 37, dated 7th January 1868.

" Officiating Secretary to Chief Commissioner, Oudh, No. 3197, dated 2nd September 1867, and enclosures.

" Resident, Hyderabad, No. 1878, dated 3rd August 1867, and enclosures.

" Commissioner of Cooch Behar Division, No. 40, dated 13th January 1868, and enclosures.

" Secretary to Government, Panjáb, No. 464-313, dated 19th August 1868, and enclosure.

" Messrs. Watkins, Stokoe and Co., Solicitors, Calcutta, dated 16th November 1868.

" Commissioner of Customs, No. 1972, dated 27th August 1867.

" Political Agent, Kutch, No. 94, dated 21st September 1867, and enclosures.

" Deputy Commissioner, Kamroop, No. 114, dated 31st August 1867, and enclosure.

" Acting Chief Secretary to Government, Bombay, No. 4393, dated 13th December 1867, and enclosures.

" Junior Secretary to Government, Bengal, No. 4283, dated 27th November 1867, and enclosures.

" Assistant Secretary to Government, Bengal, No. 4426, dated 13th December 1867, and enclosures.

" Assistant Secretary to Government, Bengal, No. 509, dated 11th February 1868, and enclosures.

" Registrar, Judicial Commissioner's Court, No. 1034, dated 14th August 1867, and enclosures.

- From Officiating Solicitor to Government, Bengal, No. 866, dated 4th January 1869.
- " Messrs. McKinnon, McKenzie, and Co., No. 238 C, dated 2nd February 1869.
- " Chief Secretary to Government, Bombay, No. 443, dated 1st February 1869, and enclosure.
- " Officiating Secretary to Landholders and Commercial Association, dated 15th January 1869.
- " Secretary, Bengal Chamber of Commerce, dated 6th January 1869.
- " Chief Secretary to Government, Bombay, No. 547, dated 8th February 1869, and enclosures.
- " Secretary to Government, Panjáb, No. 48, dated 16th January 1869, and enclosure.

THE GENERAL STAMP BILL, 1869.

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8. Bills drawn out of British India.
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10. Consideration expressed in foreign currency.
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12. Bond, &c., for payment of annuity.
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SECTION.

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29. Penalty for presenting, &c., unstamped foreign bills or notes.
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AMENDED BILL.

A Bill for Imposing Stamp Duties on Instruments.

CHAPTER I.—PRELIMINARY.

1. This Act may be called 'The General Stamp Act, 1869.'

Extent of Act. It extends to the whole of British India.

Commencement of Act. And it shall come into force on the first day of October 1869.

2. From such day, the enactments specified in the third schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.

3. In this Act and the schedules hereto, unless Interpretation-clause. there be something repugnant in the subject or context,—

- (1). 'Affidavit' includes every declaration in writing, on oath or affirmation, made before a person authorized by law to administer an oath:
- (2). 'Award' includes every decision in writing by an arbitrator or umpire:
- (3). 'Bill of Exchange' includes a hundi and every other instrument, except a cheque, whereby a person is ordered to pay to another a specified sum of money:
- (4). 'Bill of Lading' includes every instrument signed by the owner of a ship or his agent, acknowledging the receipt of goods therein described, and undertaking to deliver them at a port and to a person therein mentioned, or indicated:
- (5). 'Bond' includes every instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed:
- (6). 'Bottomry Bond' includes every instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to prosecute her voyage:
- (7). 'Charter-party' includes every instrument (except an agreement for the hire of a tug-steamer) whereby a ship, or some principal part thereof, is let for the specified purposes of the charterer:
- (8). 'Cheque' includes every instrument whereby a bank, banker, or person acting as a banker, is ordered to pay on demand a specified sum of money:
- (9). 'Collector' means within the limits of the towns of Calcutta, Madras and Bombay, the Collector of Calcutta, Madras or Bombay, and without those limits, the Collector of a District, and includes Deputy Commissioner or any officer having jurisdiction equivalent to that of a Collector of a District:
- (10). 'Composition-deed' includes every instrument executed by a debtor, whereby the debtor conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of license, for the benefit of his creditors:
- (11). 'Conveyance' means any instrument (except a transfer of a share in a Company or Association, a mortgage-deed, a settlement, a lease, an instrument of reconveyance of mortgaged property, a composition-deed, an instrument of gift, or an instrument of exchange, or partition-deed, where no money is paid for equality of exchange or partition) by which property is conveyed *inter vivos*:
- (12). 'Counterpart' means the duplicate of a conveyance, settlement, mortgage-deed or lease, such duplicate not being executed by the grantor, settlor, mortgagor or lessor, but by some other party to the instrument: it includes a kabūliyāt in cases where a lease has been granted:
- (13). 'Dock-warrant' includes every instrument evidencing the title of any person therein named or his assign, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the company or person in whose custody such goods may be:
- (14). 'Impressed' includes 'printed' and 'lithographed':
- (15). 'Lease' includes every instrument by which one person lets, or agrees to let, immoveable property to another:
- (16). 'Letter of Credit' includes every instrument by which one person requests another to give credit to the person in whose favour it is drawn:
- (17). 'Letter of License' includes every agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion:
- (18). 'Mortgage-deed' includes every instrument evidencing a pledge of property for securing the payment of money:
- (19). 'Negotiable Instrument' includes Bills of Exchange, Promissory Notes and Cheques:
- (20). 'Notarial act' means any instrument made or signed by a Notary Public in the execution of the duties of his office, and includes every like instrument made or signed by a consul, attorney, or other person authorized by law to act as a Notary Public:
- (21). 'Paper' includes vellum, parchment or any other material on which an instrument may be written:
- (22). 'Partition-deed' means any instrument whereby persons interested in immoveable property jointly, or in common, or as co-parceners, or as members of an undivided Hindū family, divide or agree to divide such property in severalty, and includes a batwārā:
- (23). 'Policy of Insurance' means any instrument (except a policy on life) by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event:
- (24). 'Power of Attorney' includes every instrument (except a proxy) empowering a person to act in the stead of the person executing it:
- (25). 'Promissory Note' includes every instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight:
- (26). 'Property' means property being in British India:
- (27). 'Protest' means a declaration in writing made by a Notary Public, or other person authorized to act as such, attesting the dishonour of a Bill of Exchange or Promissory Note:
- (28). 'Protest of the Master of a Ship' includes every declaration of the particulars of her voyage, drawn up by him with a view to the adjustment of losses, or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship:
- (29). 'Proxy' means an instrument whereby a person authorizes another to vote for him at a meeting:

(30). 'Release' includes every instrument whereby a person renounces a claim upon another person, or against any specified property :

(31). 'Respondentia bond' includes every instrument securing a loan on the cargo laden or to be laden on board a ship, and making re-payment contingent on the arrival of the cargo at the port of destination : and

(32). 'Settlement' means any instrument (other than a Will) whereby the destination or devolution of moveable or immovable property is settled or agreed to be settled.

CHAPTER II.—STAMP DUTIES CHARGEABLE UNDER THIS ACT.

4. For every instrument mentioned in the schedules hereto annexed and executed in British India after this Act comes into force,

or executed out of British India after this Act comes into force, but relating to any property within British India,

there shall be payable to the Government of India, as stamp duty, the amount indicated, in any schedule hereto annexed, to be the proper duty for such instrument.

5. (a).—All instruments chargeable under this Act with a duty not exceeding one anna, bills of exchange and promissory notes drawn or made out of British India, customs-bonds and transfers by endorsement of shares of companies and associations may (subject to the provisions hereinafter contained) be stamped with adhesive stamps.

(b).—The stamp on every other instrument chargeable under this Act shall either be impressed on the paper whereon the instrument is written, or be otherwise denoted by the Collector or the Superintendent of Stamps, in accordance with such rules as the Governor General of India in Council may from time to time prescribe in this behalf.

6. In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne—

1st.—In the case of any instrument mentioned in schedule I to this Act (other than a policy of insurance, a mortgage-deed, a settlement, a conveyance, a lease, an instrument of exchange or partition-deed where money is paid for equality of exchange or partition, an appraisement or valuation, an award and a copy, duplicate or extract), by the person drawing, making or executing such instrument :

2nd.—In the case of a policy of insurance, by the insured :

3rd.—In the case of a settlement, by the settlor :

4th.—In the case of a conveyance, mortgage-deed or lease, by the grantee, mortgagor or lessee :

5th.—In the case of a counterpart of a lease, by the lessor :

6th.—In the case of a partition-deed, by the parties thereto, in proportion to their respective shares in the property comprised therein ; and

7th.—In case of an exchange where money is paid for equality of exchange, by the person paying such money.

7. The duty imposed by this Act on bills of exchange shall be chargeable—
(a) on all bills drawn and payable in British India, and (b) on all bills drawn in, but payable out of, British India, and (c) on all bills drawn out of, but accepted, or paid, or endorsed, transferred, or otherwise negotiated within British India.

8. The holder of any bill of exchange or promissory note drawn or made out of British India, and not stamped as required by this Act, shall, before he presents the same for acceptance or for payment, or endorses, transfers, or otherwise negotiates, such bill or note, affix thereto the proper adhesive stamp or stamps for denoting the duty with which such bill or note is chargeable under this Act.

9. Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with a duty higher than that with which it would have been chargeable had no mention of interest been made therein.

10. When the consideration set forth in, or the amount secured by, any instrument chargeable under this Act is expressed in pounds sterling, francs or dollars, such consideration or amount shall, for the purposes of this Act, be estimated according to the following scale :—

One pound sterling is equivalent to ten rupees.

One hundred francs are equivalent to forty rupees.

One Mexican or China dollar is equivalent to two rupees four annas.

One Mauritius dollar is equivalent to two rupees.

11. When the amount or value of the subject-matter of any bond, mortgage-deed or settlement chargeable under this Act with an *ad valorem* stamp duty and referred to or mentioned in section six cannot be ascertained, the proper stamp to be borne by such instrument may be determined by the person bound under that section to bear the expense of providing the stamp :

Provided that, under such instrument, nothing shall be recoverable more than the highest amount or value for which, if stated in an instrument of the same denomination, the stamp actually used under such option would have been sufficient.

12. The whole amount secured for the payment of an annuity for an indefinite period by a bond, promissory note, or mortgage-deed shall, for the purposes of this Act, be deemed to be ten times the amount of the annual payment.

When the consideration for a conveyance is an annuity payable for an indefinite period, such consideration shall, for the purposes of this Act, be deemed to be a sum equal to ten times the amount of the annual payment.

13. Where more instruments than one are required for the completion of any transaction involving the execution of a mortgage-deed, settlement, conveyance, or lease, the proper stamp required by this Act for each mortgage-deed, settlement, conveyance, or lease, shall be borne by the principal instrument executed in such transaction, and each of the other instruments shall bear the stamp specified in schedule II to this Act as applicable to a collateral instrument.

The parties may determine for themselves which of such instruments shall, for the purposes of this section, be deemed to be the principal instrument.

14. Nothing in this Act shall render the following instruments chargeable with duty:—

(1). Receipt or discharge granted to a cultivator for the rent of land paying revenue to Government.

(2). Receipt given for money, or securities for money, deposited in any Bank or in the hands of any Banker or person acting as a Banker to be accounted for:

Provided the same be not expressed to be received of or by the hands of any other than the person to whom the same is to be accounted for:

Provided further, that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for, or upon a letter of allotment of, a share, in respect of a call upon any scrip or share of, or in, any Company, or Association or proposed or intended Company or Association.

(3). Receipt or discharge endorsed on or contained in any instrument duly stamped according to the laws in force in British India at the date thereof, acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest or annuity thereby secured.

(4). Transfer by endorsement of a negotiable instrument or a policy of marine insurance or of insurance against fire.

(5). Letters of hypothecation accompanying a bill of exchange.

(6). Transfers of securities of the Government of India.

(7). Bond to Government for the due performance of the duties of any salaried office.

(8). Agreement or memorandum of an agreement for or relating to the sale of goods or merchandise.

(9). Lease granted to a cultivator, unless a fine or premium be paid in consideration of such lease.

(10). Counterpart of such lease.

(11). Surrender of land executed by a cultivator to his landlord.

(12). Affidavit made for the sole purpose of enabling any person to receive any pension or charitable allowance.

(13). Copy of any paper which a public officer is by law required to make or furnish in his official capacity.

(14). Copies made for the private use only of any person having the custody of the original instrument or of his counsel, attorney or vakil.

(15). Receipt or other instrument executed by or on behalf of Government, in cases where the Government would but for this exemption be liable to pay for the stamp thereon.

(16). Letter of cover or engagement to issue a policy of insurance:

Provided that, unless such letter or engagement bear the stamp prescribed by this Act for such policy of insurance, nothing shall be recoverable thereunder, nor shall it be available for any purpose except to compel the delivery of the policy therein mentioned.

15. The Governor General of India in Council may, from time to time by order published in the *Gazette of India*, reduce or remit in the whole or any part of British India the duties chargeable under this Act on all or any of the instruments mentioned in the schedules hereto annexed or on any particular class of such instruments, or on any of the instruments belonging to such class, or on any of the instruments mentioned in the said schedules when executed or granted by or to any particular class of persons, or by or to any members of such class, and may in like manner cancel or vary such order to the extent of the powers hereby given. Every such cancellation or variation shall be published in the *Gazette of India*.

16. Nothing in this chapter or in the schedules hereto annexed shall be deemed to affect the stamp duties chargeable under Act No. XXVI of 1867 or under any other Act relating to stamps used in judicial proceedings.

CHAPTER III.—UNSTAMPED OR INSUFFICIENTLY STAMPED DOCUMENTS.

17. (a).—No instrument chargeable with stamp duty under this Act shall be received in any court of justice, or by any person having by law or consent of parties authority to receive evidence, as creating, modifying, transferring or extinguishing, or purporting to create, modify, transfer or extinguish, any right or obligation,

or as evidence in any civil proceeding, or shall be acted upon in any such court, or by any such person as aforesaid, or by any public officer,

or shall be registered by any officer acting under any law for the registration of assurances or in any public office,

or shall be authenticated by any public officer, unless such instrument bears a stamp of a value not less than the amount of the duty with which it is chargeable under this Act.

(b).—Every instrument chargeable with stamp duty shall be admitted in evidence in any criminal proceeding (other than proceedings under Chapter 22 of the Code of Criminal Procedure) although it may not have the stamp required by law impressed thereon or affixed thereto.

18. Subject to the provisions contained in section twenty-five, no person taking a bill of exchange or promissory note requiring a stamp under section eight, either in payment or as a security, or by purchase or otherwise, shall be entitled to recover thereon, or to make the same available for any purpose, unless at the time when he so takes it, the proper stamp is affixed thereto and cancelled in manner hereby directed.

19. When any instrument chargeable with stamp duty under this Act, executed on paper not bearing the proper stamp, is produced in a Civil Court, the court, if satisfied that the omission to execute such instrument on paper bearing the proper stamp, did not arise out of any intention to evade payment of the proper duty, and on payment of such duty, or, in the case of an insufficiently stamped instrument, of the sum required to make up the full amount chargeable on such instrument,

together with a penalty of the following amount (that is to say):—

| | | |
|----------|----------------------------------------------------------------------------------|--------------|
| Penalty. | if the instrument is produced within one year from the date of its execution ... | five times |
| | or, if it is produced after one year from such date ... | twenty times |

such proper stamp duty or deficient portion thereof as aforesaid,

shall certify by endorsement on such instrument that the proper stamp duty has been levied thereon.

* Provided that no such penalty shall exceed one thousand rupees.

Such certificate shall be conclusive evidence as to the amount of stamp duty leviable on such instrument, and the said instrument shall thereupon be admissible as if originally executed on paper bearing the proper stamp.

20. (a).—An entry of every such payment showing the amount thereof shall be made in a book to be kept by the Court, and shall also be endorsed on the instrument and signed by the presiding officer.

(b).—The Court shall at the end of every month make a return to the Collector of the money (if any) which it has so received, distinguishing between the sums received by way of penalty and the sums received by way of duty, stating the number and title of the suit, the name of the party from whom the money was received, and the date (if any) and description of the instrument.

(c).—The Court shall pay over all money so received to the Collector or to such person as he may from time to time appoint to receive the same.

21. If it appear to a Civil or Criminal Court that any instrument filed or exhibited in such Court was executed on unstamped or insufficiently stamped paper with the intention of evading payment of the stamp duty prescribed by this Act for such instrument, the court may impound the instrument and send it to the Collector, and he shall thereupon prosecute the offender.

22. When any instrument is produced before any registering officer, or in any public office other than a civil or criminal court, if it appear to the registering officer or to the head of such public office that the instrument is chargeable under this Act, but that it does not bear a stamp of a value equal to or exceeding the value of the stamp prescribed therefor by this Act, he shall impound the instrument, and send it forthwith to the Collector.

23. (a).—When any instrument is produced before the Collector, otherwise than for the purpose of obtaining an adjudication under section thirty-nine, or has been sent to him under section twenty-two, he shall either proceed in accordance with the provisions of section nine, or, exercising the powers thereby conferred on a Magistrate, or if it appears to him that the instrument was executed on unstamped, or insufficiently stamped, paper with the intention of evading payment of the proper stamp duty, he shall prosecute all the persons that have executed the said instrument or such of them as to him may seem fit;

or if it appear to him that the instrument is properly stamped or that it is not chargeable under this Act, he shall certify by endorsement thereon that it is properly stamped, or that it is not so chargeable (as the case may be); and he shall thereupon return such instrument to the registering or other public officer by whom it was sent, or to the person by whom it was produced, and it shall be deemed to be properly stamped or not chargeable under this Act (as the case may be).

(b).—Provided that, in any case coming under this section, if the instrument is brought within one year from the date of its execution to the Collector, or other public officer by whom it has been sent to the Collector (under section twenty-two), and if the Collector is satisfied that such instrument has not been duly stamped previously to being signed or executed by reason of accident, mistake, inadvertence or urgent necessity, he may remit the whole or any part of the penalty prescribed by section nineteen.

(c).—Provided also that, in any case coming under this section in which an instrument, other than a bill of exchange or promissory note, purports to have been executed out of British India, if the Collector is satisfied that the instrument was so executed, and also that it has been brought to him within the three months next after its arrival in British India, he shall, on payment of the duty with which such instrument would have been chargeable if executed in British India, certify by endorsement thereon